

ATTORNEY

UNITED STATES IMMIGRATION SERVICE DEPARTMENT

IN THE UNITED STATES DISTRICT COURT
OF THE DISTRICT OF COLUMBIA

RECEIVED JANUARY 10, 1954

No. 10450

United States
Circuit Court of Appeals
For the Ninth Circuit.

HARRY BRIDGES,

Appellant,

vs.

**I. F. WIXON, as District Director, Immigration
and Naturalization Service, Department of
Justice,**

Appellee.

Transcript of Record

VOLUME X

Pages 4285 to 4772

**Upon Appeal from the District Court of the United States
for the Northern District of California,
Northern Division**

Court Room 276,
Federal Building,
San Francisco, California,
May 14, 1941.

Met, pursuant to adjournment, at 10:00 A.M.
[3727]

PROCEEDINGS

Presiding Inspector: You may proceed, Mr. Gladstein.

Mr. Gladstein: Ready, your Honor.

Presiding Inspector: Let us have a little order so we can hear what is going on.

WILLIAM F. HYNES

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Direct Examination (Resumed)

By Mr. Gladstein:

Q. Mr. Hynes, when you received reports from Mr. Ezra Chase did you have any special file in which you put them?

A. As I said, I may have received three or four written reports which, if they were important, were transcribed on the typewriter and they would have been put in a general operators' file—as you will note my remarks on one of those documents there, "General Operator."

Q. General operator? A. Yes.

(Testimony of William F. Hynes.)

Q. What does that refer to?

A. That refers to this information sent in by informants, citizens and things like that, who constantly supply the Bureau with information, and who were not on the payroll.

Q. How would you index that material, if at all, as to its subject matter? [3728]

Mr. Del Guercio: If your Honor please, I think we are getting far afield here. We are not inquiring, or making an inquisition or inquiry into the method in which the Los Angeles Intelligence Unit operated.

Presiding Inspector: No, we are not, but I will take this.

A. If the matter was of importance I would underline the name of the individual, or the organization mentioned in the correspondence, or the report, and the stenographer would make an index card and put it in the file with reference to the location of the document.

By Mr. Gladstein:

Q. Would it be correct then that if a report of Mr. Chase discussed activities, Communist activities in the Upholsterers Union, Local 15, that in all likelihood, following the procedure you have just outlined, you would index that material under the Upholsterers Union? A. No, not necessarily.

[3729]

Q. You might or might not?

A. It would be in the general file.

(Testimony of William F. Hynes.)

Q. Well, what do you mean? Mr. Chase's name?

A. No; the general mail file on our index cards; we have the general mail file.

Q. You mean of the names that Mr. Chase might mention in his report?

A. The names of the individuals.

Q. Would it not also go into an index card of the Upholsterers' Union; Local 15?

A. No, we didn't have sufficient help to cross index to that extent.

Q. Now, is it your testimony that Mr. Chase reported to you only on Communist activities?

Mr. Del Guercio: If your Honor please, that isn't the testimony. The witness already testified to what Mr. Chase reported to him on. I think the record will show that.

Presiding Inspector: I don't recall that particular question being asked. I will take it, I think.

A. Not necessarily. He reported on Communist activities generally, but on other instances he reported on some strike activities of his local, for instance, in the case of the Universal Furniture Company, as I mentioned yesterday, that several members of the Communist beef squad would be present on the picket line down at Universal and likely to [3730] cause some trouble.

By Mr. Gladstein:

Q. Did you ever have him report to you on purely trade union matters or activities?

(Testimony of William F. Hynes.)

Mr. Del Guercio: If your Honor please, I object to that question. We are injecting again the trade union activities. We are not concerned with trade union activities.

Presiding Inspector: I will take the question if I understand it correctly.

You mean did he ever report?

Mr. Gladstein: Yes.

Presiding Inspector: You asked: Did you ever have him report. I didn't know what you meant by that.

Mr. Gladstein: All right.

Presiding Inspector: Did you ever report?

A. Yes. I think at times when he was on a steering committee of the Party in the Central Labor Council he reported those matters, and where he was to lead discussions for the Communist Party on the floor of the Central Labor Council in Los Angeles, I think, he reported on several of those matters.

By Mr. Gladstein:

Q. Well, apart from Communist activities, Mr. Hynes?

A. No; his activities generally were connected with the Communists, where the Communists were involved. I was not purely interested in trade union activities as such, only where Communists were involved, or I was interested in trade [3731] union activities where a strike was called and there was likely to be violence or a gathering of persons

(Testimony of William F. Hynes.)

where it was mandatory upon the Chief of Police to maintain the detail under the——

Q. (Interposing) Did you ever during——pardon me.

The Witness: Under the law. I said it was mandatory for the Chief to maintain the detail there.

By Mr. Gladstein:

Q. Did you ever during the time that you were the head of the Intelligence Bureau have agents or operatives or informers work to combat the trade union movement as such apart from——

Mr. Del Guercio: (Interposing) If your Honor please——

Mr. Gladstein: I haven't finished yet.

Mr. Del Guercio: I object to that as being highly improper.

Presiding Inspector: I can't tell. I haven't heard the question yet. Go ahead.

Mr. Gladstein: Would you read it to me?

(The question referred to was read by the reporter as above recorded.)

By Mr. Gladstein:

Q. (Continuing) ——apart from Communistic activities or illegal activities in connection with the strike?

Mr. Del Guercio: Now, if your Honor please, I object to [3732] the question as being highly improper. It doesn't refer to anything at issue in this case.

(Testimony of William F. Hynes.)

Presiding Inspector: I think that it may have a remote connection because of what the Witness Chase did. It may go to shed some light on the truthfulness of his statement. On that ground I will take it.

Mr. Del Guercio: But, if your Honor please, it isn't confined to what Ezra Chase may have—

Presiding Inspector: (Interposing) I will take it; I will take it.

Mr. Gladstein: Do you want the question read, Mr. Hynes?

The Witness: No, I think I understand the question.

Presiding Inspector: That is the only ground upon which I do take it.

A. I would say no to the question and qualify it in this way: That, as a matter of fact, in matters involving organized labor, either the A. F. of L., the Railroad Brotherhood, and in some instances CIO unions, we cooperated with them in matters relating to maintaining peace on a picket line, and as to our policy of maintaining neutrality in labor disputes as such.

By Mr. Gladstein:

Q. Did you ever have any agent or operative or informant working for you to keep union organization to a minimum? [3733]

Mr. Del Guercio: I will object to the question, as to the implication.

Presiding Inspector: I will take it.

(Testimony of William F. Hynes.)

A. No; I know what you refer to. [3734]

Q. What is the answer to the question?

A. They did not work for me; no. You mean I received reports covering activities of operators employed by other people which were given me as a matter of a complementary report in my office? I received many complementary reports along that line mentioning agents attempting to keep union activity at a minimum, as you said.

Q. Now, did you ever have—withdraw that. Did you ever give instructions to any such agents, operatives, or informants in connection with their work for the purpose of keeping union organization to a minimum? A. Personally, no.

Mr. Del Guercio: I object to that question.

Presiding Inspector: He answered. He said "No."

By Mr. Gladstein:

Q. When you said "personally, no," is there some further explanation that should be made of that?

Mr. Myron: I think there is an objection to this question.

Presiding Inspector: I will overrule the objection and take it.

A. No. I didn't give any directions to any of these people at all. I accepted their information for what it was worth as a line of general information and to be informed on what was going on.

[3735]

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Did you ever have any agents, or operatives, or informants, working to obtain the firing by their employers of workers who were active in organizing a union?

Mr. Del Guercio: I object to that question, if your Honor please.

Presiding Inspector: I will take it.

The Witness: Repeat the question.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. No; I never had any operator that would do such a thing.

By Mr. Gladstein:

Q. Did you ever give instructions to any agents, or cooperate with any agents, who were working to obtain the firing of workers that were active in attempting to organize a union?

Mr. Del Guercio: It is the same question in a different form.

Presiding Inspector: It is the same thing, isn't it?

Mr. Del Guercio: It has been asked and answered.

Mr. Gladstein: I first asked, and by virtue of his answer he said he didn't have anybody directly working for him, and I am now asking whether he gave instructions to anybody, or cooperated with anybody. [3736]

(Testimony of William F. Hynes.)

Presiding Inspector: He already said he didn't. But I will take it.

Mr. Gladstein: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. Not to my knowledge, I didn't give any such instructions.

By Mr. Gladstein:

Q. Did you hear the whole question? It called for both an answer as to instructions and as to whether you cooperated with agents doing that kind of work.

Presiding Inspector: I won't take that unless he has cooperated along that line. He didn't have to blacklist anyone who did such a thing, and that is what your question implies. He may have cooperated with them along other matters.

Mr. Gladstein: I see. I will rephrase that, your Honor:

By Mr. Gladstein:

Q. What I want, Mr. Hynes, is to know whether you ever cooperated with any agents, or operatives, or informants, to assist them in work intended to bring about the discharge of workers who were trying to organize a union?

Mr. Del Guercio: I will object to that question.

Presiding Inspector: I will take it.

A. Not for directly attempting to organize workers into a union, no; never. [3737]

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Did you ever have any agent, or operative, or informant, working to assume control of a union by getting the agents into the leadership in order to prevent the union from functioning successfully?

Mr. Del Guercio: If your Honor please, I object to this line of questioning on this ground: That this witness was called, I assume, for the purpose of discrediting the testimony of Ezra Chase—

Presiding Inspector: What?

Mr. Del Guercio: Ezra Chase.

Presiding Inspector: Affecting that testimony?

Mr. Del Guercio: Yes.

Presiding Inspector: On that ground.

Mr. Del Guercio: Yes; only on that ground.

Presiding Inspector: Yes.

Mr. Del Guercio: It appears we are going far afield.

Presiding Inspector: I am going to give a good deal of leeway here.

Mr. Gladstein: Will you read the question, please?

(The question referred to was read by the reporter as above recorded.)

A: No, not to my knowledge.

By Mr. Gladstein:

Q. Did you ever instruct any agent, or operative, or [3738] informant, to assume control, or to try to assume control over a union by getting into a

(Testimony of William F. Hynes.)

leading position in order to prevent the union from functioning successfully?

Mr. Del Guercio: I will object to that question as being ambiguous and as being the same question as the one preceding it, only different in form.

Presiding Inspector: I think it is substantially the same. There is a shade of difference and I will take it.

A. No, I never gave such instructions.

By Mr. Gladstein:

Q. Did you ever cooperate with any agent, or informant, or operative, for the purpose of enabling them, or assisting them, to get control over a union in order to prevent it from functioning successfully?

A. That is pretty broad. I have cooperated, not in matters along that line, but I have cooperated with operatives who have sent information in who were not in our employ, but not to the extent of disrupting any union.

Presiding Inspector: Not to that end?

The Witness: No, sir.

Presiding Inspector: That is all he asked you.

By Mr. Gladstein:

Q. Did you ever have any agent, operative, or informant, working for the purpose to create internal quarrels among union members for the purpose of disrupting the union? [3739]

Presiding Inspector: That is the detail of the same subject.

Mr. Gladstein: I realize that.

(Testimony of William F. Hynes.)

Presiding Inspector: Do you want it?

Mr. Gladstein: Yes.

Presiding Inspector: All right.

A. I had ~~no~~ disruptive forces working for me.

By Mr. Gladstein:

Q. That is, union disruptive forces?

A. Union or otherwise.

Q. Did you ever instruct anybody to, or cooperate with anybody for the purpose of creating internal quarrels in a union in order to break it up?

Mr. Del Guercio: I will object to that as being obviously without the purpose of calling the witness.

Presiding Inspector: I will take it. The idea of 'this is that it may reflect upon Mr. Chase's testimony in having given this information, if these things occurred and Mr. Chase had knowledge of them. He can't prove everything at once.

A. I will make the same general answer.

By Mr. Gladstein:

Q. "No?"

A. No. I might suggest, Mr. Gladstein, that to save time on the matter, that if you will allow me to present to [3740] you the exact scope and function of the Intelligence Bureau, so you will be informed as to what we do do in these matters relative to labor—

By Mr. Gladstein:

Q. If you don't mind I will proceed—

A. (Interposing) We are quite frank.

Q. Just a moment—

(Testimony of William F. Hynes.)

Presiding Inspector: Mr. Gladstein is entitled to present his side of the hearing in his own way.

Mr. Del Guercio: But not to make an attack, or to take this opportunity here to make an attempted attack upon the Los Angeles Intelligence Unit, and that is what it appears to be.

Presiding Inspector: Oh, no. Whether it has that effect or not is immaterial to the hearing. We are receiving it as bearing upon the character of Mr. Chase and his credibility.

By Mr. Gladstein:

Q. Mr. Hynes, did you ever have any agent, or operative, or informant, work to stir up the membership in a union concerning subjects like the absence of financial reports in order to create dissension and disruption?

Mr. Del Guercio: I object to that as being the same kind of a question and as having been asked and answered.

Presiding Inspector: I will take it.

A. I can't speak for an individual, what he does in his [3741] union. I will say I never had any employee who has done those things. I can't speak for the—your question is so broad. You say "operative or informant who has done those things." A man may have been submitting information to me and what he did in the union I wouldn't be responsible for.

Presiding Inspector: He means you cooperate with him to that end.

(Testimony of William F. Hynes.)

The Witness: Not to that end; no.

By Mr. Gladstein:

Q. Did you ever instruct or suggest to any operative, agent, or informant, that he try to stir up dissension in a union on subjects such as criticism of the lack of financial reports?

A. No, I did not.

Presiding Inspector: Is that all?

Mr. Gladstein: Not yet, your Honor. You mean on this series?

Presiding Inspector: No, I mean in general.

Mr. Gladstein: No.

Presiding Inspector: But not the case as a whole.

By Mr. Gladstein:

Q. Now, you had operatives, did you not, during the time that you were at the head of the Intelligence Bureau in various union fields?

Mr. Del Guercio: I will object to that. This is confined [3742] to——

Presiding Inspector: I will take it.

Mr. Del Guercio (Continuing): ——this is confined to Ezra Chase.

Presiding Inspector: I will take it. It is preliminary.

Mr. Myron: He has testified——

Presiding Inspector: I will take it. He has testified, I think, on this, and I will take it again. It can't hurt anything.

A. Yes; especially in those union fields in which

(Testimony of William F. Hynes.)

the Communist Party, through its membership, had had designated, through certain instructions, and concentrated on certain industries on which they were concentrating.

Mr. Gladstein: I move that the answer, except for the word "yes", be stricken as not responsive.

Presiding Inspector: I will let it stand.

By Mr. Gladstein:

Q. Will you name three or four of those union fields in which you have operatives or agents working for you?

Mr. Del Guercio: I object to that as being clearly outside of the scope—

Mr. Gladstein (Interposing): It is preliminary.

Presiding Inspector: Wouldn't you better confine it to the things that Mr. Chase reported on?

Mr. Gladstein: I will withdraw it and put it another way. [3743]

By Mr. Gladstein:

Q. You had an informant in the furniture, in Local 15 of the Upholsterers. You have already said that was Mr. Chase, correct?

A. He was an informant; yes.

Q. Did you have an agent, operative, or informant in the oil industry?

Mr. Del Guercio: If your Honor please, I object to that.

Presiding Inspector: How is that pertinent?

Mr. Gladstein: It is preliminary, and I will show its pertinency, your Honor.

(Testimony of William F. Hynes.)

Mr. Del Guercio: Preliminary to what? The oil industry is quite a field.

Presiding Inspector: I will exclude it until you show it is pertinent. I am not finally ruling on this, but I don't comprehend its pertinency now.

By Mr. Gladstein:

Q. I will put it this way: Isn't it true, Mr. Hynes, that you worked with some operatives who worked in the oil industry and whose purpose was to prevent union organization?

Mr. Del Guercio: If your Honor please, I object to this as not being pertinent to anything at issue in this case.

Presiding Inspector: I don't see how it is pertinent, but perhaps you want to impeach your witness.

Mr. Gladstein: I do. [3744]

Presiding Inspector: Your own witness, on a collateral matter.

Mr. Gladstein: No, it is not collateral.

Presiding Inspector: Yes, it is collateral.

By Mr. Gladstein:

Q. Let me ask this question first: Isn't this true, Mr. Hynes, that you have at various times worked for the purpose of aiding the deportation of Mr. Bridges?

Mr. Del Guercio: I will object to that, if your Honor please. There is nothing in evidence in this case that this witness has aided in that.

Presiding Inspector: He is asking him.

(Testimony of William F. Hynes.)

Mr. Del Guercio: But he is his own witness.

Presiding Inspector: That is all right. I will take it. I see nothing that is very important in it.

A. I assisted in gathering evidence towards that end; yes.

By Mr. Gladstein:

Q. And your personal feelings are, and for some time have been, isn't this true, that you would like to assist in the deportation of Mr. Bridges?

Presiding Inspector: Why do you ask that, Mr. Gladstein? He is your witness.

Mr. Gladstein: Once bias is established I have a right to ask leading questions thereafter. [37-45]

Presiding Inspector: You have, but the leading questions must be pertinent to the inquiry.

Mr. Gladstein: I assure your Honor that we believe they are more than pertinent; they are very important and material.

Presiding Inspector: Hundreds of people might have felt that way, and hundreds of people might have felt the other way.

Mr. Gladstein: I will withdraw the last question in view of his answer to the first to the effect that he has worked in gathering such evidence.

Presiding Inspector: Yes.

Mr. Gladstein: All right. That is satisfactory.

By Mr. Gladstein:

Q. As a matter of fact, you worked with Captain John Kegan, of the Portland Police Department, for the purpose of discussing and coordinat-

(Testimony of William F. Hynes.)

ing the presentation of evidence against Mr. Bridges in the deportation case, isn't that true?

Mr. Del Guercio: If your Honor please——

Presiding Inspector: We can't go into the details of this matter.

Mr. Gladstein: I want to show the extent of the bias by that question.

Presiding Inspector: The extent of bias? That doesn't show the extent of bias. You have the full statement now.

Mr. Gladstein: If your Honor is satisfied there has been a full statement of the bias—— [3746]

Presiding Inspector: I think so.

Mr. Gladstein: All right.

○ Presiding Inspector: I don't say that that bias is improper.

Mr. Gladstein: Having established that it entitles me, as a matter of law, to then ask leading questions.

Presiding Inspector: Undoubtedly. I have let you ask leading questions right straight along.

Mr. Del Guercio: On the same ground and for the same purpose, counsel could call the Attorney General and show that the Attorney General is biased.

Presiding Inspector: What are you objecting to now, Mr. Del Guercio; I have ruled in your favor.

Go ahead. [3747]

By Mr. Gladstein:

Q. Now, Mr. Hynes, I have in my hand Part

(Testimony of William F. Hynes.)

64 of the hearings before a sub-committee of the Committee on Education and Labor of the United States Senate and I call your attention to those portions beginning with page 23,518 which appear under the subject matter "Documents relating to the Intelligence Bureau or Red Squad of the Los Angeles Police Department" and I will ask you to examine, if you will please, beginning with that page the following—

Mr. Del Guercio: (Interposing) Now, you are too close. I object to you standing on the witness chair.

Presiding Inspector: He is just standing—

Mr. Gladstein: (Interposing) Do you object, Mr. Hynes?

Presiding Inspector: He is just pointing out on the book.

By Mr. Gladstein:

Q. (Continuing) The first document which is entitled "Oil Workers Unit, Plan of Operation", the next Exhibit which is "Intra-departmental correspondence of the Los Angeles Police Department", the following document which is also "Intra-departmental correspondence", the next which is entitled "A confidential report", the next which is also entitled, "A confidential report, or joint report from agents 10 and 20", the next which is entitled "A confidential report" and which mentions Agent 20, the next which is entitled "Confidential report", the next which is also entitled "A

(Testimony of William F. Hynes.)
confidential [3748] report" and continuing through until—oh, the next which is an account of Agents 10 and 20 mentioning their expenses and their mileage and so on, the next which is also "A confidential report", the next is also a "Confidential report" and includes a statement of salary and expense, page 23,532 which contains a number of statements from Agents 10 and 20, statements of expense. I will ask you to examine those and state what you recognize those to be.

Mr. Del Guercio: If your Honor please—

Mr. Gladstein: (Interposing) I haven't finished. How can he object until he knows what I am going to ask him?

Mr. Del Guercio: Five minutes of talking is sufficient for any question, I think.

Presiding Inspector: The question is: Will you examine them.

Mr. Gladstein: And state—

Presiding Inspector: (Interposing) And the witness is answering it by examining them.

Mr. Gladstein: Yes, and for the purpose of the record I want him to examine them and state whether he recognizes them to be reproductions from reports.

Presiding Inspector: Are they the same ones that were produced yesterday?

Mr. Gladstein: No, no! That he brought, you mean?

Presiding Inspector: Yes.

(Testimony of William F. Hynes.)

Mr. Gladstein: No, he didn't bring those. [3749]

Presiding Inspector: Reproductions of reports in the files under Mr. Hynes' charge?

Mr. Del Guercio: I can't hear.

Presiding Inspector: Reproductions of reports which are or were; which do you mean; which are in the files?

Mr. Gladstein: 'Are or were'; I don't know. I will ask him.

Mr. Del Guercio: We object to the question. We also object to showing the witness that report there. It has not been shown. I haven't seen it.

Presiding Inspector: The witness need not answer until you have seen it.

After you have looked at it don't answer the question.

The Witness: Yes, sir.

Presiding Inspector: Now, Mr. Gladstein, the witness has examined them. I think counsel should examine it.

Mr. Gladstein: Yes, I will show you the part that concerns you.

Mr. Del Guercio: Thank you; I will look for it.

Now, if the Court please, without having read the contents of this report of the hearings before the sub-committee of the Committee on Education and Labor, United States Senate, the reports which counsel has asked the witness to examine, they appear to pertain to an Oil Workers Union and the Court has already excluded— [3750]

Presiding Inspector: (Interposing) Do you

(Testimony of William F. Hynes.)

claim that these have any connection with Mr. Chase?

Mr. Gladstein: I do, for this reason, your Honor: May I be heard on this?

Presiding Inspector: Yes.

Mr. Gladstein: Of course, I have not asked the witness to identify all of the materials in the volume that I have shown him that I am interested in.

Presiding Inspector: Of course, we are not going to make an investigation of the various work of this witness in general labor and Communistic activities.

Mr. Gladstein: I understand that, but here is the position:

Presiding Inspector: The only thing we are interested in is the testimony of Mr. Chase.

Mr. Gladstein: All right. Now, if I may be heard——

Presiding Inspector: (Interposing) His character and credibility.

Mr. Gladstein: I will tell you now why we are interested. Mr. Chase denied not once but many times that he ever did the work of a labor spy or work in the service of an employer for disrupting or destroying a trade union. He protested many times that his only interest was in exposing Communistic activities or the illegal activities of Communists in trade unions. Mr. Hynes has already testified clearly and definitely [3751] on record that he has never had anybody, any operative, agent or

(Testimony of William F. Hynes.)

informant, work for him or be instructed by him for the purpose of doing anything except report on or expose the activities of Communists, or the illegal activities of Communists. He has said that he has not told or instructed agents or had any agents work for him for the purpose of disrupting or destroying trade unions.

We wish now to impeach this witness by these records, your Honor.

Presiding Inspector: Then, what will you have left?

Mr. Gladstein: Then, we will have this left:—

Presiding Inspector: (Interposing) Suppose I don't believe him at all under the impeachment.

Mr. Gladstein: We will have this, your Honor—we will have this: According to Mr. Chase and according to Mr. Hynes Mr. Chase was doing the kind of reporting or informing that Mr. Hynes was having done for him in the running of his Intelligence Bureau, and if the facts show, by virtue of the impeachment, that that kind of work included labor espionage, union disruption, the prevention of organization of workers into unions, then, your Honor is entitled to take that into consideration in evaluating the testimony of Mr. Chase.

Mr. Del Guercio: I submit, your Honor, I can't follow counsel's logic at all. Chase has testified, as I remember the evidence, that he was present at a meeting in which Harry Bridges was to lay down the Communist Party line. Now, these [3752] other matters are collateral matters.

(Testimony of William F. Hynes.)

Is it true—what we are interested in, is it true that Harry Bridges, the Alien here, did at that time and at that meeting lay down the Communist Party line?

Now, these other matters are collateral attacks on Ezra Chase. They haven't produced a single bit of evidence so far here that Harry Bridges did not at that time lay down the Communist Party line. That is all we are interested in, not as to Ezra Chase's other activities. We are getting away from the main issue. The issue is: Did Harry Bridges, as Chase testified, lay down the Communist Party line at that certain meeting at Los Angeles.

Mr. Gladstein: Could I answer that argument, your Honor?

Presiding Inspector: Yes, sir.

Mr. Gladstein: It is quite obvious that if a witness testifies to a certain matter there are a number of ways of showing that his testimony is not to be believed. For one thing, for example—this is hypothetical and I intend no reflection on Mr. Chase. For one thing, if it were shown, for example, that he was not mentally competent either at the time that he says he observed things about which he testified or at the time that he was testifying on the stand, that is direct impeachment showing the fact that there should be no credibility attached to the witness' story. [3753]

Now, there is another matter, several matters, and in this case one of the most important is one which, I hope, your Honor will keep in mind. You

(Testimony of William F. Hynes.)

remember the testimony that Mr. John Horn gave

Presiding Inspector: I remember.

Mr. Gladstein: (Continuing) —as to how labor spies are regarded.

Presiding Inspector: That was expert testimony, I suppose, in a way, of his evaluation of labor spies.

Mr. Gladstein: Yes, your Honor.

Presiding Inspector: I was inclined to think it had little place in this hearing, but I took it.

Mr. Gladstein: Yes. Let me say this: Mr. Horn testified, and he testified simply to a reflection of the attitude of trade unions generally, that a labor spy is not to be believed under any circumstances, that in the minds of trade unions—

Presiding Inspector: (Interposing) That might weaken his testimony.

Mr. Gladstein: Mr. Chase's testimony?

Presiding Inspector: No, the witness Horn's testimony.

Mr. Gladstein: The witness Horn's testimony?

Presiding Inspector: Yes.

Mr. Gladstein: All right. Well, now, we are contending—[3754]

Presiding Inspector: (Interposing) Of course, the law has imposed upon me this decision—

Mr. Gladstein: I understand.

Presiding Inspector: (Continuing) Not upon Mr. Horn.

(Testimony of William F. Hynes.)

Mr. Gladstein: Yes. All right. Now, from this witness—your Honor asked me a few moments ago suppose you choose as a result of the impeachment not to believe anything he says. That is all right with us. But there are documents which, if we are allowed to use them in the impeachment that we now desire to make, will establish, we believe, and we will contend will establish that Mr. Hynes was conducting a pure and simple labor busting employers organization.

Presiding Inspector: What if he was?

Mr. Gladstein: In the Intelligence Department.

Presiding Inspector: How does that make any difference in the testimony of Mr. Chase?

Mr. Gladstein: And that Mr. Chase in informing for him and working for him was doing precisely the kind of work that Mr. Hynes had done for him.

Presiding Inspector: I would let you show that Mr. Chase was engaged in any such enterprise, of course.

Mr. Gladstein: Yes.

Presiding Inspector: Now, if you could show that, that is all right.

Mr. Gladstein: There are a number of ways by which that [3755] can be shown, your Honor. In the first place, if Mr. Chase admits such a thing, that is established. It is not to be expected that he would.

Presiding Inspector: You mean it is not to be

(Testimony of William F. Hynes.)

expected that he would if he is a truthful person, if he is not a truthful person?

Mr. Gladstein: If he is not a truthful person, yes.

Presiding Inspector: Of course, if he is a truthful person it would be expected that he would admit whatever he did.

Mr. Gladstein: Yes. Now, we asked Mr. Hynes what sort of work his Intelligence Bureau was engaged in and he states that they were interested only in two subject matters, namely, the illegal activities of Communists and Communist activities in unions.

Mr. Del Guercio: Your Honor, that is not correct. The witness stated that he was interested in all kinds of illegal activities, Communist, or otherwise.

Presiding Inspector: Never mind. I will take it. Go ahead so. I can get the drift of your argument.

Mr. Gladstein: Clearly Mr. Hynes wishes to make it clear—I think the record will support this statement—that he was not interested in trying to destroy unions, as such, or in trying to prevent workers from becoming members of unions as such. He was not interested in that sort of [3756] thing.

Now, we wish to establish by virtue of impeachment, by virtue of documents, the reproductions of which we have shown the witness, that the facts are to the contrary, your Honor, and they, therefore, stamp the Intelligence Bureau, of which this witness was the head, with respect to the kind of work

(Testimony of William F. Hynes.)

it was doing, and that in turn is to be considered in evaluating the testimony of Mr. Chase who was informing for Mr. Hynes while he was in the Upholsterers Union Local 15.

Presiding Inspector: Well, now, Mr. Chase is only shown to have informed—am I right about this—in respect to a prospective strike? That is, you have that in view, to prove that? I don't know that it is yet proved because that document has not yet been received, and in respect to this Universal. Now, have we any other information from Mr. Chase?

Mr. Gladstein: Well, yes. Mr. Chase, as a matter of fact, if I recall his testimony correctly, said that he had informed not once but more than once. I think he said at least twice.

Presiding Inspector: As to Communist activities?

Mr. Gladstein: No, in advance of strikes, I think, he said.

Presiding Inspector: I think in respect to the Universal—

Mr. Gladstein: Yes.

Presiding Inspector: I don't remember the name of it. [3757] There is no direct admission that he informed in relation to this furniture matter.

Mr. Gladstein: That is true.

Presiding Inspector: As yet.

Mr. Gladstein: That is right. Now, you see, your Honor—

(Testimony of William F. Hynes.)

Presiding Inspector (Interposing): That is all we have got.

Mr. Gladstein (Continuing): —Here is the important point: Both Mr. Chase and Mr. Hynes called the things that were being done subversive, investigation of subversive activities. What they call by the name of Communist activities or illegal activities of Communists is something we wish to show is not that at all but is actually work for the purpose of disrupting or destroying or preventing unions of workers, bona fide unions apart from and regardless of any alleged subversive activities. They call it that; they say that on the stand.

We wish to show in actuality, your Honor, their real work is different. They simply put that name on it. Now, we certainly have a right to do that. Both Mr. Hynes and Mr. Chase used the same terminology. They say we were only interested in the Communistic activities or in the illegal activities of Communists. Their testimony is almost on a parallel on that.

Now, we wish to show by documents, your Honor, that [3758] actually what they call Communist activities here and illegal work or activities of Communists is far⁵ from that. It is actually putting people into unions to destroy those unions apart from subversive or alleged or suspected subversive activities.

Presiding Inspector: Well, so far as Chase is concerned, I think that was competent, but how is

(Testimony of William F. Hynes.)

that competent in relation to a witness that you produce yourself?

Mr. Gladstein: Because we are producing him, your Honor, as an adverse witness whose bias, we believe, is clear in the record.

Presiding Inspector: The bias only goes to his credibility.

Mr. Gladstein: It entitles us to ask leading questions.

Presiding Inspector: You can't take it as proving the contrary to what he says. It is no evidence of the contrary of what he says because he is a biased witness.

Mr. Gladstein: Well, are we not entitled—

Presiding Inspector (Interposing): Bias merely goes to the credibility and affects its believability. It doesn't establish affirmatively the opposite.

Mr. Gladstein: When I used the word "biased" I actually meant a hostile witness in the sense—

Presiding Inspector (Interposing): Suppose he is a hostile witness?

Mr. Gladstein: Then, I think we have a right to [3759] impeach him.

Presiding Inspector: Suppose he is a very hostile witness and you say: Were you on the corner of Market and Fourth Street on January first at 1:00 P. M. and he says "No?" Now, he is a hostile witness. That doesn't prove he was there.

Mr. Gladstein: I understand that.

Presiding Inspector: Now, I think you are overlooking that feature. You don't prove the oppo-

(Testimony of William F. Hynes.)

site by proving that a hostile witness says something. You may rely on it as tending to establish that it is not true because of his bias or hostility, although, that is a question for the trier of the facts but it is no proof of the opposite.

Mr. Gladstein: Well, can I not do that? I wish to ask him leading questions now with respect to these documents.

Presiding Inspector: You have done that. Don't complain about that because I have already allowed you to do that.

Mr. Gladstein: I say with respect to these documents or reproductions.

Presiding Inspector: Yes, anything.

Mr. Gladstein: Now, it may well be that Mr. Hynes, upon having his recollection refreshed, will say yes, he recognizes these documents and he remembers them. I don't know what he will testify in that regard.

Presiding Inspector: Are they pertinent to the issue? [3760]

Mr. Gladstein: I am sincere in my conviction they are.

Presiding Inspector: Aside from showing bias on the part of this witness?

Mr. Gladstein: They reflect the anti-labor character activities of the Intelligence Bureau of which he was the head, the union breaking policies and activities, in my opinion.

Now, your Honor may differ with me but that is what I believe is established by these documents.

(Testimony of William F. Hynes.)

Presiding Inspector: I don't either agree or not agree because I have never seen the document.

Mr. Gladstein: Do you wish to see it?

Presiding Inspector: Yes.

Mr. Gladstein: There are about ten or fifteen pages.

(Handing document to the Presiding Inspector.)

Mr. Del Guercio: May I be permitted to say something, your Honor?

Presiding Inspector: Yes, certainly.

Mr. Del Guercio: The Witness, Ezra Chase, has testified that all the information he gave to Mr. Hynes here or the Intelligence Bureau was information concerning illegal activities within the union or otherwise, and activities of the Communist Party whose every activity, I say, are illegal.

Now, certainly neither counsel nor anyone else would [3761] brand a witness, an American citizen at that, for giving information to duly constituted authorities on illegal activities of any one or group of persons, and that is exactly what counsel is trying to show. There isn't any evidence in this case, none has been produced and none will be produced by the Government, of any purely labor activities in the CIO or in the A. F. of L. And, I believe, that counsel in his question of this witness should be limited to that extent.

It seems that we have to repeat every day that we are not trying labor unions; we are not trying

(Testimony of William F. Hynes.)

the Los Angeles Police Department; we are not trying the Portland Police Department. We are trying to try the Alien here and this is all a smoke screen; in my opinion.

Presiding Inspector: Well, how far does this go, this offer?

Mr. Gladstein: Well, there are a number of subject matters covered.

Presiding Inspector: Well, of course, these are a number of documents on different matters.

Mr. Gladstein: Yes, they are.

Presiding Inspector: I think you better take them up one by one.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Mr. Hynes, first of all did you examine the pages that I referred you to? [3762]

A. Yes, I have examined them.

Q. And can you recognize that on those pages appear reproductions—

Presiding Inspector (Interposing): Don't answer this.

Q. (Continuing): —of reports, or whatever the documents appear to be, that were actually in the files of the Los Angeles Police Department Intelligence Bureau?

Mr. Del Guercio: I object to the question, your Honor, as being nothing pertinent to the issues in this case or to any witness who was produced in this case.

Presiding Inspector: I know it is merely intro-

(Testimony of William F. Hynes.)

ductory. I will let him say whether he can or cannot recognize these documents.

The Witness: Yes, I can recognize the documents. I would like to qualify that answer. I recognize those documents and—

Mr. Myron (Interposing): That is sufficient; that is the answer.

The Witness: No; I want to state—counsel made certain charges about those documents.

Presiding Inspector: - We don't care about counsel.

Mr. Myron: Wait a minute. I think he has answered the question.

Presiding Inspector: Counsel are merely representing their particular sides in this case. You must not take as [3763] evidence anything they might say.

By Mr. Gladstein:

Q. Then, Mr. Hynes, would it be correct to say that the documents beginning from 23,518 and running through to 23,532, on which the financial statements of account are to be found, are recognized by you as a correct reproduction of documents which were in your files and under your supervision while you were the head of the Intelligence Bureau?

Mr. Del Guercio: If your Honor please, I object to that as being—

Presiding Inspector (Interposing): I will take that. I haven't received the documents yet.

Mr. Del Guercio: In the first place, it isn't a document.

(Testimony of William F. Hynes.)

Presiding Inspector: Oh, well, we will treat it as such.

The Witness (Examining document): I would like to refer to these by the actual Exhibit numbers given here because there are some of these things that—like on inter-departmental police correspondence that has no particular date on them and don't appear to have been made by anybody in my office.

Presiding Inspector: Well, do you recognize those as having been in your office?

The Witness: I recognize those.

Presiding Inspector: While you were head of the depart- [3764] ment?

The Witness: Yes, I do. However, your Honor, I would like to say this here with respect to these documents, that the LaFollette Committee has—I was a witness before this Committee and at no time were any of these documents presented to me to identify.

Presiding Inspector: Well, that is all right. You identify them now as having been in your department?

The Witness: Yes, sir.

Presiding Inspector: These are copies?

The Witness: Yes, sir.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Now, I want to refer to the first and read it to you.

Mr. Myron: We object to that.

(Testimony of William F. Hynes.)

Mr. Del Guercio: We object to the reading, your Honor.

Presiding Inspector: I have got to read it again.

Mr. Gladstein: Yes.

Presiding Inspector: Because I glanced through them very rapidly.

Mr. Gladstein: Do you want to start at the first?

Presiding Inspector: Yes.

(Whereupon, Mr. Gladstein handed document to Presiding Inspector.) [3765]

Mr. Del Guercio: Now, if the Court please, you will recall that in permitting this witness here to answer the questions propounded by counsel it was on the ground that they were intended for the purpose of impeaching the testimony of the Witness Ezra Chase and only for that purpose. It is obvious now that he was asking those questions not for that purpose but for the purpose of impeaching, or attempting to impeach his own witness, and on that ground alone I think the matter should be excluded.

Mr. Gladstein: Your Honor, I can't—

Presiding Inspector (Interposing): Well, he said certain things about Chase that bear upon the issue here as to his credibility, this collateral issue. Now, to show that this witness is not a credible witness on that particular question I think I will allow him to show that, although this doesn't necessarily bear on anything from Mr. Chase.

Mr. Gladstein: No, it is true I can't prove it all at once. There will be something on Chase.

(Testimony of William F. Hynes.)

Presiding Inspector: These are his employees.

Mr. Gladstein: Yes. This is the first one.

Presiding Inspector: I will take it on that ground, mainly to bear on the credibility of this witness. We are not going to investigate, as an independent issue, the conduct of the Police Department.

Mr. Gladstein: No, I understand.

Presiding Inspector: Of Los Angeles. [3766]

Mr. Del Guercio: I object to counsel reading it.

Presiding Inspector: I will take it on the narrow point that I have suggested.

Mr. Del Guercio: The objection is not to that.

Presiding Inspector: That is, as affecting the credibility of this witness.

Mr. Del Guercio: The objection is not to that. The objection is pointed to counsel reading it. I think the witness should read it.

Mr. Gladstein: I prefer reading it. You can watch me so I don't misread it.

Presiding Inspector: I will let you read it because we have pursued that practice.

Mr. Myron: Is this a question, the reading of this by counsel?

Presiding Inspector: No, I don't know exactly what it is.

Mr. Gladstein: I desire to read into the record—

Mr. Myron (Interposing): We object to reading this into the record.

Mr. Gladstein (Continuing): —the first document identified by the witness.

(Testimony of William F. Hynes.)

Presiding Inspector: You may read it.

The Witness: May I say something in connection with this?

Presiding Inspector: Yes. [3767]

The Witness: Regarding the operator he claims—

Presiding Inspector: He doesn't claim that was Mr. Chase.

The Witness: He claims that it was an operator of mine, which it was not.

Presiding Inspector: We will hear this.

Mr. Gladstein: This is Oil Workers Union Exhibit 10220, Plan of Operation.

Presiding Inspector: Now, don't you think, before you read that, we ought to know where that came from, who issued that, and so on?

Mr. Gladstein: You mean this document?

Presiding Inspector: Yes.

Mr. Gladstein: The witness identified it as being in his files. If he wishes to add anything further concerning that, all right.

I would like to read it and then ask him concerning this.

Mr. Myron: We object to that because he hasn't identified it, and the document isn't in issue in this case at all.

Presiding Inspector: We ought to know what the set-up in the Department is; if anybody issued orders besides himself, or whether he was under some other person.

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Let me ask this: Mr. Hynes, in these documents that you have recognized there are references to Agents 10 and 20. Did you know those men?

[3768]

A. I knew one man, but he wasn't employed by me.

Q. Did you ever give them instructions?

A. I never gave him any instructions.

Q. You are sure about that?

A. Yes, I am positive.

Q. You received reports from them?

A. They sent in information like other people did, but you cannot show—I defy you to show that he has ever been on the payroll of the Los Angeles Police Department.

Q. Did you ever pay their expenses?

A. I didn't pay their expenses, you can't show that either.

Mr. Del Guercio: In view of the testimony—

Mr. Gladstein (Interposing): Let us confer a moment.

Mr. Del Guercio (Continuing): —I renew my objection to any reference being made to those documents—and I say “documents” for lack of another name. All that has been shown so far is that this Committee has printed into its record letters which were found—I don't know whether found or how they were found—in the possession of the Los Angeles Police Department. There is no evidence that this witness collaborated either in their preparation or that he gave instructions in

(Testimony of William F. Hynes.)

their preparation, or that he employed the persons who submitted those reports.

Under those circumstances, and that is all the evidence we [3769] have here, how can they be shown and be permitted to be used to impeach their own witness?

Mr. Gladstein: Could I ask some further questions of the witness?

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. How did these reports come to you?

A. I told you in my testimony before that in the course of the operations of our Bureau we receive many complimentary reports. They may be from persons who are working for outside employers, who gave that information, and which we accept at its face value. We don't try to evaluate the information in any way. They come up to me and talk to me about it, and come up to hand me a report, maybe.

Q. Well, now, you notice it says "Statement of Account"—page 23532—"of Agents 10 and 20". Where did you get those?

A. He probably gave me a complete file of his operations on that matter.

Mr. Myron: He said before he didn't see that.

The Witness: In the first place——

Mr. Myron (Interposing): There is no question pending.

The Witness: I was going to refer to those documents.

(Testimony of William F. Hynes.)

Presiding Inspector: There is no question pending.

Mr. Gladstein: My associate is more familiar with the [3770] contents of these documents than I am, and there will be some delay if I continue with the examination along this particular line. If there isn't any objection I would ask leave to permit Mr. Grossman to continue with the witness.

Presiding Inspector: Very well. I will permit this. He says he is more familiar with the document and it will expedite the hearing. I will permit it.

I would like to ask a question or two about your office. You had a file there from which these documents, as you call them, came?

The Witness: Yes.

Presiding Inspector: It was under your control?

The Witness: Yes, sir.

Presiding Inspector: Your exclusive control?

The Witness: At that time; yes. My files were turned over on November, at the end of November, 1938, and they were taken to the City Hall. After that I had no more jurisdiction over them. They were given to the La Follette Committee by the Mayor, and the Chief of Police, to go into them. There was no representative of the Police Department there at any time while these files were being searched, and they took matters from those files, and violated the confidence of the Mayor and the Chief of Police in taking matters relating to the Civil Service expense account of the Department, which they had no right to take. [3771]

(Testimony of William F. Hynes.)

Presiding Inspector: Who was your superior in your organization, in your department, at that time, the Mayor?

The Witness: The Mayor is the chief law enforcement officer; yes, sir. But under him is the Chief of Police.

Presiding Inspector: The Chief of Police?

The Witness: I was responsible to the Chief of Police.

Presiding Inspector: Did the Chief of Police give any orders in the direction of anti-Communist activities, or did you have that exclusively?

The Witness: I had that exclusively to this extent: That I had to draw up a plan of the scope and operation of the duties of my department, which I did, and which I have here and am willing to submit, showing in detail the type of activities that our bureau engaged in. It shows the cooperation with labor unions, cooperation with employers of labor, and employees, things of that character.

Presiding Inspector: I will let you read the first document into the record.

Is it dated?

Mr. Gladstein: Yes, sir. It is dated November 3, 1933. I think that is the date. No—November 8, 1933.

It is entitled:

“Plan of Operation.

“In combating the union movement concerning which Agents 10 and 20 have been reporting, fol-

(Testimony of William F. Hynes.)

lowing is the plan of operation [3772] tion proposed by them:

"Agents will concentrate their work to keep the organizing of the men to a minimum for the immediate present and as an ultimate and to disrupt the movement entirely. To accomplish these objects Agents will use many methods successful in the past, the principal one of which is to assume leadership and to secure the removal of aggressive, efficient organizers.

"The most aggressive among union organizers and usually radicals and Agents who will turn the names of all such over to the Department of Justice and to the Police in such cities and towns as are administered by officials not in sympathy with radicalism.

"Workers who are active in organizing will be reported to their several employing companies so that they may be transferred or discharged. Agents will keep the union treasuries to a minimum by getting the officers to spend money foolishly, in order that no strike benefit fund may be accumulated. Agents will keep notices of meetings and literature from reaching the men to a great degree.

"The movement will be discouraged by securing men employed by the companies to talk to their fellow-employees against the union. Agents already have several contacts of this sort who do not like unions and who can be depended upon to discourage the movement. Within the union itself, Agents will promote internal dissension among the members and among the officials and organizers. [3773]

(Testimony of William F. Hynes.)

"It will be possible to assume control over the organizing of the Foremen and Inspector's Union so that this organization will not function in the manner expected by the union officials.

"All union meetings, organizational conferences and official committee meetings will be covered and reported by Agents in all sections from Long Beach and Ventura to Coalinga, Taft and Bakersfield.

"Agents will secure all information on sabotage, prevent a strike and block every move of the union which holds any promise of effectiveness. The numerical strength of the union will be kept within safe bounds and later disrupted, officials and organizers will be encouraged to dissipate their efforts in fruitless channels, internal quarrels among the members and officers will be purposely created, and dangerous members and officials will be removed through definite action, all by using the above described methods and by other methods known to be effective by Agents.

"In addition, of course, the clients will be kept informed at frequent intervals of the activities of the union and photostatic copies of important documents sent to them.

"Agents are perfectly familiar with this work and stand very high with the American Federation of Labor headquarters in Washington, to which they have wired for credentials as organizers in this particular union. Agents already have credentials which will admit them without question into any

(Testimony of William F. Hynes.)

union [3774] or executive committee meeting of any organization affiliated with the American Federation of Labor or the Brotherhoods. Agents are also delegates to the conventions of the California State Federation of Labor and of the American Federation of Labor.

"Agents have devoted their time for years to this sort of investigation work and are fully trusted in all liberal, radical and labor circles on the Pacific Coast and elsewhere. They always have most valid reasons for their presence at any place or meeting so that no suspicion can possibly arise.

"Agents are also in a position to assume control of the newly organized Friends of Organized Labor, and will be able to keep this organization from having any effective influence upon the movement in any way.

"There is absolutely no danger of the clients being involved in Agents' activities nor of being embarrassed by them to the slightest degree, as Agents' methods of working preclude any possibility of their being uncovered or even suspected. Agents will always be well within the law in all their actions, and their methods have been found to be more successful than so-called 'strong-arm' methods.

"In order to handle the situation and gain the objects noted above, three men will be necessary. The cost of these men will be \$10.00 per day each, plus necessary expenses, and will include any investigation wanted in the area under discussion [3775].

(Testimony of William F. Hynes.)

and reports will cover every section. Agents would prefer to report to Captain H. as there is sometimes considerable danger in sending reports to small towns.

"Agents do not consider that the present situation is serious, but it could easily and quickly become so. Since the NRA went into effect, organizers are more active throughout the country than ever before in the history of unionism, and now that open attacks on the NRA and the Roosevelt Administration have started by Hearst and others, American Federation of Labor officials have ordered a redoubling of active efforts to solidify the ranks of labor quickly in the event of a dissolution of the NRA set-up. Organizers are preparing literature designed to convince workers that the safety of their jobs lies in union organization. Unions elsewhere are trying to force the closed shop on employers, and the A. F. of L. is trying to get enough members in the United States, according to several leaders, to carry the next Presidential election, even if it is necessary to use the A. F. of L. Brotherhoods as the nucleus of a new Labor Party.

"Agents would not desire to remain on this investigation for the sole purpose of reporting the activities of the union. This can be secured, except for plans made in conferences of organizers and officials, from employees of the companies for a few extra dollars per week. The cost of breaking up the movement is but a small percentage of the cost which would result were [3776] there to be a

(Testimony of William F. Hynes.)

strike, whether such a strike would result in higher wages or be entirely lost by the union. There will be no local strikes in this industry in the future; all workers will be called out in the event the union is strongly organized and the companies do not recognize it and accede to its demands. The cost of Agents' work will be but a small premium for the security which it will give against trouble with the unions.

"Captain H. will vouch for the fact that Agents always bend every effort to disrupt the union and close the case as quickly as possible. They do not 'string out' the job as there are many concerns in need of their services at the present time."

Presiding Inspector: I think I made a mistake in letting you read that.

Mr. Gladstein: Why?

Presiding Inspector: Because my idea was, in letting you read it, that the keeping of such a document in the files might have some effect. That doesn't in any way show that it was anything more than a report by someone to someone which was not in the police files.

Mr. Gladstein: Let me ask this—

Mr. Del Guercio: (Interposing) On that ground I move that it be stricken out.

Mr. Gladstein: Let me ask a question before your Honor [3777] rules,—several questions.

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Mr. Hynes, when you were the head of the Intelligence Bureau what was your title?

(Testimony of William F. Hynes.)

A. Acting Captain of Detectives.

Q. You were known as Captain Hynes?

A. Yes.

Q. This reference to "Captain H." in the document I have just read to you, do you recognize it as a reference to you?

A. I can't be responsible for what somebody wrote in a report.

Q. Do you recognize that as a reference to you?

Mr. Myron: He doesn't know. He hasn't seen it. Show it to him.

A. (Continuing) I have seen the report. It probably was intended as a reference to me, but I can't be responsible for what may be in that report.

Presiding Inspector: You are not responsible for it.

Mr. Del Guercio: It is highly prejudicial.

Mr. Gladstein: I haven't finished with the reference to Mr. Hynes.

Presiding Inspector: You don't have to prove that the sky is blue, or that the sun rises at a particular hour.

Mr. Gladstein: I wish to make—— [3778]

Mr. Del Guercio: (Interposing) In that connection, I think we can show that those things were circularized and sent, even to Harry Bridges, and everybody else; not only to Mr. Hynes or the Los Angeles Police Department.

Presiding Inspector: I think we can only consider one thing at a time.

(Testimony of William F. Hynes.)

I think the thin ground on which I admitted it is probably erroneous.

Mr. Grossman: May I say this: A reading of another portion, which has been equally admitted by Mr. Hynes as being in the files, will show more of a connection than your Honor now sees, which will justify its having been read, I am sure.

I will read one paragraph—

Mr. Myron: (Interposing) We object to the reading.

Mr. Grossman: (Continuing) —one paragraph to show your Honor what I refer to.

Mr. Myron: He can show your Honor the paragraph referred to and then let your Honor read it.

Presiding Inspector: I will let him read it.

Mr. Grossman: It is brief and won't prejudice anyone:

"Regarding the plan set forth in our last report it is not wise to reduce it to writing especially when such writing is to be mailed. According to instructions received from Captain H., Agent 10 will be in Los Angeles Thursday, November 9. Agent 20 will attend the union local meeting tonight in [3779] Colalinga."

Here is another of the same type:

"On telephoned instructions"—

Mr. Del Guercio: (Interposing) I thought we were only going to read one paragraph?

Presiding Inspector: I will hear it.

Mr. Grossman: "On telephoned instructions Agent 20 joined Agent 10 in Bakersfield Tuesday

(Testimony of William F. Hynes.)

"morning for the purpose of making out this joint report in accordance with orders from Captain H."

Now, your Honor, I am willing, if there is any objection to the completeness of that, to read other portions, but it is quite clear—

Presiding Inspector: It is pure hearsay.

Mr. Grossman: I intend to ask Captain Hynes about these then, as to whether they refer to him, because it is quite obvious—

Presiding Inspector: It is quite obvious they refer to him, but it is hearsay.

Mr. Grossman: Then we will say, whether he admits the fact referred to, they were acting under instructions from Mr. Hynes.

Presiding Inspector: Why don't you ask that?

Mr. Grossman: I will, but I want to show why this shouldn't be removed from the record, this that has been read, your Honor. [3780]

Presiding Inspector: I am not going to remove it immediately.

Mr. Grossman: All right.

Presiding Inspector: I will postpone decision on whether to strike it out or not.

Mr. Del Guercio: I think, in fairness to this witness, counsel should show this to the witness.

Presiding Inspector: He has.

Mr. Del Guercio: We don't have the original, and the Court cannot see what they are. It is obvious, they were mimeographed sheets sent by someone, which may have been sent by counsel, or by Mr. Bridges, or by me, or by anyone.

(Testimony of William F. Hynes.)

Presiding Inspector: True. They did keep them in the files.

Mr. Del Guercio: We keep everything in the files too.

Presiding Inspector: They were kept in the files. In the first instance, I thought some inference might be drawn from that.

Mr. Gladstein: Just a brief response to what Mr. Del Guercio said. I think Mr. Hynes has already said, has he not, that he knew Agent 10. I asked him if he knew Agent 10 and Agent 20 and he said he knew one of them.

By Mr. Grossman:

Q. Did you ever have any conferences with Agents 10 and 20?

A. I had no conferences with Agent 20. I knew an Agent [3781] 10.

Q. Did you ever have a conference with Agent 10?

A. I have talked to him several times.

Q. Did you ever—

A. (Interposing) He came into my office once or twice.

Q. Did you ever give him any instructions?

A. No, I never gave him instructions. He was not my employee.

Q. I didn't ask that. Please answer only—

Presiding Inspector: Just a moment. He did answer. He said, "No, he was not my employee," which was a very natural thing to say.

(Testimony of William F. Hynes.)

By Mr. Grossman:

Q. Did you ever discuss with him the work that he was doing in connection with informing in the oil workers union?

A. I don't recall discussing in detail any work he was doing.

Q. I am going to call your attention to the reference that was read by Mr. Gladstein at the end of the first report. I will read the first sentence of it:

"Captain H. will vouch for the fact that Agents always bend every effort to disrupt the union and close the case as quickly as possible."

Is that a correct representation of your state of mind at the time this report was written as to whether you could vouch [3782] for Agents 10 or 20 always bending every effort to disrupt the union and close the case as soon as possible?

A. That is not a correct statement.

Q. Did you ever discuss with either Agent 10 or Agent 20 what they had done or would in the future do to disrupt unions?

Mr. Myron: We object to that.

Presiding Inspector: I will take it.

A. I never discussed with 10 or any other Agent, any matters towards disrupting of a union. If you will get the files of the Police Department you would find out just the contrary. We cooperate with the union towards maintaining peace.

Presiding Inspector: Were either of these agents, 10 or 20, Ezra Chase?

(Testimony of William F. Hynes.)

The Witness: No, at no time. I can't say as to 20; I don't know 20.

By Mr. Grossman:

Q. Have you ever read these reports before you came into court today?

A. These reports?

Q. Yes.

A. I don't remember specifically. It was called to my attention by the LaFollette Committee. That is the last time I remember.

Q. Before that did you ever read these reports?

A. I may have glanced at those reports in the office. I [3783] have some recollection of it away back, but I was away off and on for a period of time.

Mr. Del Guercio: I would like to make this observation—

Mr. Grossman: (Interposing) I don't think we want observations.

Mr. Del Guercio: It is in connection with an objection I am about to make.

Presiding Inspector: Make your objection.

Mr. Del Guercio: In connection with these documents—a police officer, or any agent of a law enforcement agency, may have a knife or gun in their possession which was used in the commission of a crime. Does that make the officer who keeps the gun a criminal or a liar for having that gun in his possession or keeping it within the police files?

Presiding Inspector: That is argument.

Mr. Grossman: That is an observation. I can

(Testimony of William F. Hynes.)

make observations too. I prefer to read this report rather than to make observations.

Mr. Myron: We object to the reading of the report.

By Mr. Grossman:

Q. Were you ever informed by Agent 10 or 20 that they preferred to report to Captain H. as there is sometimes considerable danger in sending reports to small towns?

A. No; there was no such arrangement discussed.

Q. Did you ever discuss with Agent 10 or 20 the reporting. [3784] the making of reports on their work in the oil workers union to you?

Mr. Del Guercio: I object to that question. The witness already testified that Agent 10 was not Erns Chase and has no connection with him.

Presiding Inspector: I will take it. He isn't implying that he is.

Mr. Del Guercio: And that he doesn't know who Agent 20 is. The witness already testified to that.

Mr. Grossman: Do you remember the question?

By Mr. Grossman:

Q. Did you ever discuss with Agents 10 or 20 their sending reports to you?

A. No. I have not.

Q. Do you know how you happened to get reports from them?

A. Well, I don't know. I have a hazy recollection that there is—a group of reports come in the

(Testimony of William F. Hynes.)

mail comes in, and whether I am there or not it would be opened up.

Q. Do you have any recollection of how you happened to receive reports from Agents 10 and 20?

Mr. Del Guercio: I object. There is no evidence that either Agent 10 or 20 sent in reports on—

Mr. Grossman: (Interposing) They put into the file. [3785]

Presiding Inspector: I will take it.

A. I told you I have a recollection of talking to the man, and I have a recollection of these reports, of a group of them being clipped together. The only time that I really went into detail as to the contents of the report was before the LaFollette Committee investigators.

By Mr. Grossman:

Q. Did you ever discuss with any employees of oil workers these reports? A. No sir.

Mr. Del Guercio: We object to that, if your Honor please, as going far afield.

Presiding Inspector: I think it is going far afield. Are you investigating the conduct of the Department of Los Angeles Police?

Mr. Grossman: Your Honor—

Presiding Inspector: "Yes" or "No."

Mr. Grossman: To the extent that Captain Hynes is lying about something that transpired between him and Agents 10 and 20 I am investigating it, and to the extent that there is an inconsistency between these reports I am concerned.

(Testimony of William F. Hynes.)

Presiding Inspector: I don't see how the conversations with 10 and 20 could have anything to do with it. You have asked certain collateral questions.

Mr. Grossman: I can read further. Obviously, these agents [3786] have reported on instructions received from Captain H. It has been established sufficiently, I think, that "Captain H." is Captain Hynes.

Presiding Inspector: You assume that.

Mr. Grossman: Otherwise they would not have sent in the reports.

Presiding Inspector: Why don't you call them? How can you show that by hearsay?

Mr. Grossman: We are willing to call them if Captain Hynes will tell us who they are.

Presiding Inspector: Ask him.

Mr. Grossman: I will ask him.

Mr. Del Guercio: Just a moment—

Presiding Inspector: I don't see how you can go into ex parte statements by union witnesses, or union persons, as bearing upon the truthfulness of something entirely collateral which you may have asked this witness about.

Mr. Grossman: Your Honor, I am hoping that confronted with these reports Captain Hynes will state that they are correct in these respects—and I haven't finished my examination yet so I have no way of knowing whether he will. If he does that that may raise the other question which you raised, of calling Agents 10 and 20.

(Testimony of William F. Hynes.)

Presiding Inspector: I was thinking whether it would be pertinent or not. But how can you show that something was [3787] sent by mail, or telegram, or orally, without showing any reply to it? I don't see how it in anyway binds Captain Hynes.

Mr. Grossman: I don't say he is bound.

Presiding Inspector: It was kept in the files and it was only on that ground that I thought they might be received.

Mr. Grossman: He has done more than that. We have to be practical about this. He received not only these reports regularly which, incidentally, refer to alleged conversations with him, instructions from him, but he also received their accounts. He not only received their accounts, but reports which state in the reports that "We are sending you these reports" obviously to go somewhere else. In other words, a man is not only receiving reports which he puts in his file, but he is receiving reports which say, "I have had certain discussions with you, you have instructed me to do this, and I want you to convey this to someone, and I send you my statement of my expenses."

Presiding Inspector: Of course, the proper way to do that would be to ask him whether it refreshes his recollection.

Mr. Grossman: I am willing to do it that way.

Mr. Del. Guercio: We object on the further ground—in view of the statement of counsel that he wants to investigate the Los Angeles Police Department, obviously that isn't the proper thing to

(Testimony of William F. Hynes.)

do here. Who is he to investigate the Los Angeles Police Department? [3788]

Presiding Inspector: I shouldn't think you would object to it.

Mr. Del Guercio: We wouldn't object if it were a proper thing to do in this proceeding. We wouldn't object at all, but it is taking the hearing far afield and we are losing sight of the fact of what we are trying to find and that is my only objection to it.

Presiding Inspector: I don't think I am——

Mr. Del Guercio: (Interposing) I have no objection to Mr. Grossman, the Communist Party, or any other Party investigating the Los Angeles Police Department. We are not a part of the Los Angeles Police Department.

Mr. Gladstein: I move those remarks be stricken.

Presiding Inspector: I will let them stand, except they probably will go out with everything else said by both parties and their counsel, when this is reported to the Attorney General, unless there is some change in the rule. The rule clearly states that all argument is to be excluded from the record.

Mr. Grossman: May we have our morning recess now, your Honor?

Presiding Inspector: Oh, yes.

(Whereupon a short recess was taken.)

Presiding Inspector: Mr. Gladstein, I am at a loss to understand all this testimony. You claim that the witness, [3789] Chase, made reports to the

(Testimony of William F. Hynes.)

Police Department. The Police Department admits it. You now want to show that the Police Department was hostile to what you call the labor movement. How is that pertinent? They still were the constituted legal authority; and if there was any illegal activity that would have to be the place that reports there would have to be made, if made anywhere.

Mr. Gladstein: It would show the character of the reports, particularly in case of oral ones that Mr. Chase made.

Presiding Inspector: We don't care about the character of the reports; they show for themselves.

Mr. Gladstein: But the oral ones we don't have of record.

Presiding Inspector: You can't show them by certain reports being in. You can show what other reports Mr. Chase made, yes.

Mr. Gladstein: If we can show the type of work which that Bureau was generally doing—

Presiding Inspector: That is too remote. If you can show that Mr. Hynes, or anyone else in the Department, had anything to do with getting Mr. Chase here, and anything improper was done in any of those respects, of course I will allow that. That is what Dean Landis allowed in the other case, in the case of the Police Department in another city. Now, no such attempt as this, that I know of, was produced before Dean Landis.

Mr. Grossman: Yes—with respect to Harper Knowles, who [3790] claimed also that his work

(Testimony of William F. Hynes.)

was only against subversive activities, and so on. If your Honor will read the references in Dean Landis' report on Harper Knowles—I can't call it a finding because it wasn't precisely that—you will find a discussion showing that Dean Landis indicated there was good reason to believe—make it that way—that that about represents his sentiments on that—good reason to believe that the activities of Knowles were not anti-subversive, or anti-Communist, but generally anti-labor. In other words, he looked at Knowles, and the correspondence and admissions Knowles made, and so on, and concluded that the general work of Knowles and his organization was anti-labor and from that he concluded that it was relevant from the standpoint of showing the bias of Mr. Knowles.

Presiding Inspector: Knowles was a witness on the part of—

Mr. Grossman: (Interposing) Knowles had something to do with a witness who was ultimately procured. As a matter of fact, it went this far in that case: Knowles was working with Larry Doyle. Larry Doyle had procured at least one witness, John Leech. That is how far Dean Landis went. It was obvious they were all tied up in this way.

Presiding Inspector: There isn't anything of that kind here.

Mr. Del Guercio: That is an incorrect statement. Harper [3791] Knowles was not a witness. Dean Landis could have made no finding on Harper Knowles. He did not have him before him.

(Testimony of William F. Hynes.)

Harper Knowles is not in this case. We have got to stop somewhere and stop these statements, wild statements of counsel.

Presiding Inspector: I know, but I have got to hear argument. This is merely argument. It don't affect me as a trier of the fact in the slightest. It might be something that happened in some case in the Supreme Court. I merely was interested in what the legal judgment of Dean Landis was in some similar case.

Mr. Del Guercio: I believe a correct statement should be made because Dean Landis could not have made a finding on a witness that did not come before him.

Mr. Grossman: I am willing to have this case decided right here and now on whether or not Harper Knowles testified in the last hearing. Mr. Del Guercio said he didn't. I say he did. It is quite obvious that we were in the last case and we know that Harper Knowles testified as a witness, and I didn't misrepresent anything.

In the second place, as I say, Dean Landis found not only with respect to Harper Knowles, but with other people in the case, that their conduct generally was such—that is about all you could characterize it is—their conduct, and that does not mean *all it*, was such as to show they were really carrying on an anti-labor organization. [3792]

Presiding Inspector: Supposing the Department was carrying on an anti-labor organization, what difference does it make here?

(Testimony of William F. Hynes.)

Mr. Grossman: We can show that under the guise of a Communist investigation Captain Hynes, and his whole department—not only can we prove that, but the whole labor movement in Los Angeles knows it—was carrying on clearly a labor spy agency and known to everyone.

Presiding Inspector: Suppose that is so? We will assume, for the sake of argument, that is so. What about it?

Mr. Grossman: Then we can show that every man that gave him information, whether formal or informal information, was carrying on the general activities of that department. That is all he was concerned with. We can show that Captain Hynes received money from employers for this work; that he transferred this information directly to employers.

Presiding Inspector: What difference does it make?

Mr. Grossman: And that it was a department that had no other people to—

Presiding Inspector: We are not interested in that department.

Mr. Grossman: We are, to find out if Chase is telling the truth. We recognize Mr. Chase and Mr. Hynes, in order to cover up what are considered disreputable activities as anti-labor, and a labor-spy agency on the part of the police department, will [3793] call their activities anti-subversive. The facts are, however, that they are carrying on something definitely similar to, and impossible to dis-

(Testimony of William F. Hynes.)
tinguish from, Pinkerton, and the others, such agencies. We can prove that. Therefore, when Chase made reports to that agency, regardless of what he may say to protect himself, or his reputation, he is making reports to an agency that has no other reason for being, except as an anti-labor, labor-spy agency.

Presiding Inspector: It has some other reasons for being. You don't mean——

Mr. Grossman: (Interposing) No, no.

Presiding Inspector: You don't mean to state that the Police——

Mr. Grossman: (Interposing) Not the Police, but the so-called Intelligence Division.

Presiding Inspector: That is merely a branch of the Police Department, and that is the one taking charge of, according to your witness, Hynes, of disorder in labor matters when there were strikes.

The only question before us is whether he made this report about this furniture strike. That is the only thing that is in issue here, isn't it?

Mr. Grossman: I don't think so because Chase admitted that he made, as an estimate, thirty reports.

Presiding Inspector: We don't know what they were about. [3794]

Mr. Grossman: I say we can conclude that from two things: One, from oral reports. We do have, in the LaFollette Committee reports, and we can conclude, from the nature of this Intelligence—— whatever they call it—the nature of this depart-

(Testimony of William F. Hynes.)

ment of the Los Angeles Police Department which, as I say, we can prove is nothing but, never was anything but a glorified labor-spy outfit.

Presiding Inspector: That means an investigation of the Los Angeles Police Department.

Mr. Grossman: To the extent that we have to go to find the truth in this case, I think we are entitled to go. If we can't get the truth about the activities of this department from the head of it—

Presiding Inspector: Why don't you introduce the Catherman statement?

Mr. Grossman: I thought we had. We will do that. I don't think we are obliged to do that.

Presiding Inspector: Why don't you come to that right now. That is the main thing here now as far as I know.

Mr. Grossman: We will offer that right now, your Honor. [3795]

Mr. Gladstein: Before we do that—all right, where is that?

(The Exhibit was handed to Mr. Gladstein by the reporter.)

By Mr. Gladstein:

Q. Mr. Hynes, I show you Alien's 17 for identification. A. Yes.

Q. One of the documents that you brought here in response to the subpoena. You were making some comments about that yesterday. I think, perhaps, you had better finish making your comments about it.

(Testimony of William F. Hynes.)

Presiding Inspector: I will take it right now if you will offer it.

Mr. Gladstein: I will offer it in evidence.

Presiding Inspector: I will receive it.

Mr. Del Guercio: Over objection, your Honor.

Presiding Inspector: Yes, certainly.

(The document referred to was received in evidence and marked Alien's Exhibit No. 17.)

Presiding Inspector: Mr. Catherman swore that he received those matters and that he left notes on his desk. This was found in the files. I think it is sufficient to allow the inference to be made by the trier of the facts, if he wishes to make it, that that is such a report of a conversation which he says he directly—he, in the ordinary course of his duties was accustomed to make notations of. [3796]

Mr. Del Guercio: But not in that form, Catherman testified.

Presiding Inspector: Yes, in that form.

Mr. Del Guercio: Not in that form, Catherman testified, as you will recall.

Presiding Inspector: No, he testified as to some slight variation about it.

Mr. Del Guercio: He said he signed all of his reports either—

Presiding Inspector: (Interposing) Well, this is signed.

Mr. Del Guercio: No, this isn't signed.

Presiding Inspector: This is signed "Catherman."

(Testimony of William F. Hynes.)

Mr. Del Guercio: He signed it in his own handwriting, either initialed or put his signature over all the communications he received over the telephone.

Presiding Inspector: I didn't so understand.

Mr. Grossman: I am sure Catherman will deny—I asked him if he will deny—

Presiding Inspector: (Interposing) I will receive this document. I think it is sufficiently connected up to make it prima facie evidence. It is a question for the trier of the facts.

By Mr. Gladstein:

Q. Mr. Hynes, I want to show you on page 23,576, Exhibit 10,302 under date of 3/3/37, Report on Upholsterers Union. Will you please read that—it finishes on the next page— [3797] and state whether you recognize it.

Presiding Inspector: Do you want him to read it out loud?

Mr. Gladstein: It isn't necessary.

A. (Examining document.)

Mr. Gladstein: Let the record show that my reference was to the same volume of the LaFollette Committee Reports.

Presiding Inspector: Yes.

The Witness: I don't recognize this report at all.

By Mr. Gladstein:

Q. Not at all?

A. No sir, I don't.

Mr. Del Guercio: Will you speak a little louder?

Presiding Inspector: He says "I don't recognize this report at all".

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Does that mean that you don't remember it?

Mr. Del Guercio: If your Honor please, the answer is obvious. He says he doesn't recognize the report.

Presiding Inspector: I don't know what he means by that. I will allow him to inquire.

The Witness: I have no recollection whatsoever of receiving this report.

By Mr. Gladstein:

Q. That means, does it—

A. (Interposing) It appears as a report given by [3798] somebody other than Chase.

Q. It appears to be a report given to you, does it?

A. No; I say it appears to be a report given by some other person other than Chase.

Q. To whom?

A. I don't know. It doesn't say to whom; it doesn't say anything. It says "Report on Upholsterers Union." It has no identification on it whatsoever.

Q. Well, you had no other person in Local Union 15 of the Upholsterers at that time, did you?

A. No, but I testified also that I had a person on the Trade Union Commission of the Communist Party who could go down to the Upholsterers Union and find out any information he cared to. I didn't testify to that fact in detail, but the man on the Trade Union Commission of the Communist Party would be in a position to go to Communist Party

(Testimony of William F. Hynes.)

members within the Upholsterers Union, say, the Secretary, the Financial Secretary, and gain such information.

Q. But that person would not be in a position to attend a local meeting of Upholsterers Union No. 15 and act as a member of the Union and make motions of that sort, would he? He is not a member of that union, I think you said yesterday.

A. I don't think I said——

Q. (Interposing) He was not a member of that union?

A. No; he could attend a meeting. [3799]

Q. If he was not a member of the union?

A. Well, I think so. He may be a member of another union and be attending another union's meeting, which is done in numerous cases.

Q. Do you mean to say even though he——

A. (Interposing) Harry Bridges could go to another union meeting although he is not a member of that particular union.

Q. Do you mean to say although this man on the Trade Union Commission you referred to was not a member of Local 15 he could get up in a meeting of Local 15 and make motions?

Mr. Del Guercio: I object to that. That isn't a question at all. It is argument.

Presiding Inspector: I will allow him to answer whether he means that.

A. No, I wouldn't say he could make a motion affecting any union matter.

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. What is that?

A. No. I wouldn't say he could make a motion affecting any union matter pertaining to that local.

Q. All right. Well, now, I call your particular attention to that part of the report in which the maker of the report says "I didn't look for such a rank act and I was sure the members were pretty sore, so before they could protest Chase jumped to the floor and declared the election to be fair [3800] and square and I made a motion to elect Yost unanimously."

Now, in view of that statement you don't think it was this Trade Union Commission member, do you?

A. Well, I don't think in that case that it would be. I say—I will give an illustration, that a member of the Trade Union Commission could go there as a party member to the Financial Secretary of that Local and obtain this information on the financial condition of the Union.

Q. Now, when you were receiving information, Mr. Hynes, did your informers always sign their own names?

Mr. Del Guercio: If your Honor please, I will object to that, all informers. Let's stick to Ezra Chase. So far we haven't heard anything yet about Ezra Chase.

Mr. Gladstein: I want the general answer first.

Presiding Inspector: I will take the general answer.

(Testimony of William F. Hynes.)

A. No, they didn't use their right names. They usually followed the Communist strategy of using fictitious or assumed names.

By Mr. Gladstein:

Q. You mean when they were making reports to you?

A. They didn't sign their names. They used an operative's number, most of the operatives. That was—

Q. (Interposing) When they were writing their reports?

A. Just a moment. I am trying to finish my answer. [3801]

Q. All right.

A. So far as their being carried on any secret service payroll, they would be under an assumed name the same as the Communist Party carries much of its membership under an assumed name or alias or adopted Party name.

Q. When these reports were made to you in writing did the agents refer in those reports to themselves only by their first name or by their last name or in some other manner?

Mr. Del Guercio: Now, this is apparently part of the same general question. He has not come down to the specific—

Presiding Inspector: I didn't hear the question.

Mr. Gladstein: I will withdraw it and ask it in a different way so your Honor can hear it.

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. In these reports you received from agents, Mr. Hynes, how would the agents who were sending the reports refer to themselves in the body of the reports?

Mr. Del Guercio: If your Honor please, I object to that as having already been asked and answered.

Presiding Inspector: I will allow it.

A. Generally—I don't like to have to answer that question.

Presiding Inspector: Well, if there isn't—

The Witness: (Interposing) Because I don't know the [3802] motive behind counsel's—

Presiding Inspector: (Interposing) You don't have to be interested in that at all. You are a witness.

The Witness: Except to this extent, your Honor: I don't want to give any information that might jeopardize the life of some other operators. I don't know what reports they got from the files.

Presiding Inspector: We will have to take care of that.

Mr. Gladstein: I move that statement of Mr. Hynes be stricken from the record.

Presiding Inspector: Yes, it isn't evidence. If there is any general custom in the way these informers identify themselves in the reports or mention themselves you may state it.

Mr. Del Guercio: But, if your Honor please, I think there should be a distinction between the paid informants and the voluntary ones.

(Testimony of William F. Hynes.)

Presiding Inspector: These are the informants, not the paid. We are talking about the voluntary ones.

Mr. Del Guercio: The voluntary informers, not paid informers.

Mr. Gladstein: I don't know if there was any distinction between the two. That is for Mr. Hynes to say, not for Mr. Del Guercio to coach him in the Court room.

Presiding Inspector: I know. [3803]

A. They would never refer to themselves as "I done this" or "I done that" for one thing.

By Mr. Gladstein:

Q. But use a third name or some designation, third person, that is to say?

A. If he was a Communist Party member he would use his Communist Party name in the report, never his correct name, and he would *elude* to himself in the report as to the activities he engaged—

Q. (Interposing) If he was writing the kind of report where by speaking in the first person he would give his identity away, then, he would use some other designation, isn't that right?

A. I don't think he would ever write a report that would reveal his identity.

Mr. Gladstein: Under those circumstances, your Honor, I realize that Mr. Hynes has said he doesn't recognize this report on the Upholsterers Union, but in view of testimony which Mr. Chase gave on some of the subject matter that is covered by this

(Testimony of William F. Hynes.)

report, I think we have a right to conclude from Mr. Hynes' testimony, and the fact that this appears in the LaFollette Committee Reports, that there is no denial that such a report was made. He simply says he has no recollection.

I, therefore, think I am entitled to read this to him.

Presiding Inspector: Do you claim it was made by Chase? [3804]

Mr. Gladstein: Yes, your Honor, and under the answers that Mr. Hynes has just given entirely consistent—

Presiding Inspector: (Interposing) Who is; Chase?

Mr. Gladstein: Chase referred to himself sometimes in the first person and sometimes in the third person in this report, and he referred to himself in the first person by the name of Chase where a reference to the contrary, a reference of a different character would have revealed the identity of the person making the report. Chase, in his own testimony, if you will remember, your Honor, responded, in response to my questions, that he did make a report to Captain Hynes concerning subject matter that I asked him about.

Presiding Inspector: Then, why do you need this?

Mr. Gladstein: I want the report in the record. It isn't in the record.

Presiding Inspector: What difference does it make?

(Testimony of William F. Hynes.)

Mr. Gladstein: Because it shows something else regarding Mr. Chase, your Honor. I think we have a right to the whole report.

Presiding Inspector: Go ahead. I will take it.

Mr. Del Guercio: If your Honor please, of course, I haven't read—

Presiding Inspector: (Interposing) Better look at it; better look at it. It seemed to me, as I glanced it over—I may have overlooked something—it is entirely innocuous or immaterial. [3805]

(Whereupon, Mr. Gladstein handed the book to Mr. Del Guercio.)

Mr. Del Guercio: Now, as I understand counsel, he has stated to the Court—I may be wrong in this—but Chase testified concerning making a report, making this report that he now expects to read to—

Presiding Inspector: (Interposing) He reported that kind—

Mr. Del Guercio: (Interposing) Well, if your Honor please, without going to Chase's testimony I question whether Chase ever testified that he made such a report and, furthermore, there is something in this report that conclusively shows that it was not made by Chase, and I will show it to the Court.

Presiding Inspector: I know what you mean, about the way he used "Chase" and "me".

Mr. Del Guercio: No; this sentence "The manner in which Chase was defeated was helpful to me."

(Testimony of William F. Hynes.)

Mr. Gladstein: You remember, your Honor, I asked Mr. Chase whether his defeat in that case was helpful to him. At first he said "No." Then, I said, "Well, weren't you trying to break up this group—" and so on, and he said "Yes."

Presiding Inspector: I don't see it amounts to anything.

Mr. Gladstein: Well, your Honor—

Presiding Inspector: (Interposing) I will receive it [3806] but I can't think it amounts to anything. Now, you may be able to point it out.

Mr. Gladstein: Yes.

Mr. Del Guercio: If I may have just one other observation.

Presiding Inspector: Yes.

Mr. Del Guercio: Now, this report was available to counsel. Counsel had it at the time that Mr. Chase was on the stand. Yet, the Witness Chase was not questioned concerning this.

Presiding Inspector: He didn't introduce this to dispute Chase as having made this report, as I take it.

Do you, Mr. Gladstein?

Mr. Gladstein: We introduced that for the purpose of showing this is a report which we contend was made by Mr. Chase to Mr. Hynes.

Presiding Inspector: You don't claim that it was contradictory of anything that was said by Mr. Chase?

Mr. Gladstein: No, as a matter of fact, it

(Testimony of William F. Hynes.)

tends to corroborate certain admissions that he made to us.

Presiding Inspector: Corroborates certain statements?

Mr. Gladstein: Yes, but gives the full picture.

Mr. Del Guercio: Now, is this an attempt to show that Chase was a truthful witness?

Mr. Gladstein: Well, he admitted that he was labor spying, [3807] yes.

Presiding Inspector: I don't think that is necessary.

Mr. Gladstein: That is our construction of it.

Presiding Inspector: That is his theory.

Mr. Gladstein: That is our theory.

Presiding Inspector: I will take it. Of course, I don't adopt that construction, not now.

Mr. Gladstein: This report is entitled "Report on Upholsterers Union, Reed. 3/3/37.

"Have been following your suggestion of stirring up the membership about too much secrecy and the absence of financial reports.

"The result was—at the last meeting they reported the finances as a little more than \$500.00 and promised a detailed report in the near future.

"They also elected a full time Secretary and Treasurer at a salary of \$40.00 per week and expenses—Charlie Yost is holding the office.

"This brings the payroll to about \$400.00 per mo.

(Testimony of William F. Hynes.)

The estimated expenses per month are as follows:

"Salaries	400.00
"Per Capita Tax (This is to the Central Labor Co.—"	
Referring, your Honor, to Council.	
"—Per Capita Tax to the International is exempt because of the Kroehler strike)	40.00
Hall rent	25.00
	[3808]
Utilities	15.00
Strike Benefits	1200.00
Misc	100.00"

Then, a total is drawn.

"Approximate expense per mo. \$1780.00 -

"Dues 400.00 per mo or less.

"Assessments—there has been no report whatever. However, the union is *sending* far beyond its income. It is in a bad state of affairs, and should they become involved in a fairly good sized strike, their condition would be critical.

"In the election for a delegate to International Convention the vote was as follows:—Chase, 52; Yost, 37; Bruner, 19.

"The result—Election won and then—reported the San Diego members were voting by telephone and they called up and reported San Diego had cast its 26 votes for Yost giving him a total of 63.

"I didn't look for such a rank act and I was sure the members were pretty sore, so before they could protest Chase jumped to the floor and declared

(Testimony of William F. Hynes.)

the election to be fair and square and I made a motion to elect Yost unanimously.

"Now the members are wanting to reopen the elections.

"The manner in which Chase was defeated was helpful to me.

"Investigated the San Diego vote and Westfall went to [3809] San Diego and lined up the boys for Yost. He also split the fraction and defeated them. Yost is a reactionary.

"The Party is calling an investigation of this affair. So I am certain Chase will gain ground there.

"The Party is disgusted with the fraction and they will soon take action, so I am moving with the Party, and soon expect to get Westfall, Stawdera & Silva out of the fraction, then I will have complete control and then I can rebuild it with material of my selection.

"We are about to start picketing furniture stores."

Mr. Del Guercio: Now, if your Honor please, that that article has been read, apparently it could not under any circumstances—

Presiding Inspector: What?

Mr. Del Guercio: Now that it has been read—

Presiding Inspector: (Interposing) I couldn't hear it.

Mr. Del Guercio: It could not under any circumstances, reading the thing, have come from Chase, or been a report from Chase. It isn't alleged, it

(Testimony of William F. Hynes.)

isn't proven, it isn't shown here that it did come from Chase, no evidence that it did.

Presiding Inspector: I will take it. It establishes prima facie proof, prima facie proof only on the ground that he was the only informant that this witness said he had that was a member of this union. This comes from a member of the union because he says "I did these things," and I think that is [3810] prima facie proof that it came from Chase.

Mr. Gladstein: Now, your Honor, there was one more reference——

Presiding Inspector: (Interposing) That is the ground of my ruling.

Mr. Gladstein: There was one more reference to one of the earlier reports on the Oil Workers that was not read. It is a very short reference, I think, of one sentence. It is a reference to Captain Hynes or to Captain H, I should say. That is in the report which appears on page 23,523 of Volume 64, of the LaFollette Committee Reports and it is one of the reports which Captain Hynes identified here on the stand, and that reference reads as follows:——

Mr. Myron: (Interposing) Just a minute. We will object to that. We haven't seen it.

Mr. Gladstein: Oh, I showed all these to you in a group.

Mr. Myron: You haven't shown us this one.

Mr. Gladstein: I will show you this specific one.

(Testimony of William F. Hynes.)

Presiding Inspector: There are so many of them it is hard to remember them.

(Whereupon, Mr. Gladstein handed the document to Mr. Myron.)

Mr. Del Guercio: Well, it appears, if the Court please, that it is along the same line.

Presiding Inspector: Is it about the conduct, internal [3811] conduct?

Mr. Del Guercio: Internal conduct of—

Presiding Inspector: Of this labor union?

Mr. Del Guercio: No, of the Los Angeles Police Department in connection with that mimeographed letter.

Presiding Inspector: Which number is this, Mr. Gladstein?

Mr. Del Guercio: (Handing document to the Presiding Inspector) This one here, (indicating).

Presiding Inspector: This whole thing?

Mr. Del Guercio: No, not the whole thing. Mr. Grossman read this sentence and he stopped reading.

Presiding Inspector: Off the record.

(Discussion off the record.)

Mr. Gladstein: Well, now, your Honor,—

Presiding Inspector: (Interposing) Mr. Grossman merely read it in the course of argument.

Mr. Gladstein: Yes. There are certain reports which the witness has identified as having been in his files. It would take too long, and, I think, it is

(Testimony of William F. Hynes.)

unnecessary to read them all into the record, but there are certain references to a Captain H.

Presiding Inspector: These don't purport—

Mr. Gladstein: (Interposing) Which Mr. Hynes already said would refer to him.

Presiding Inspector: Yes. [3812]

Mr. Gladstein: I would like to read into the—

Presiding Inspector: (Interposing) These don't purport to come from Chase?

Mr. Gladstein: No, they do not; no, they do not.

Mr. Myron: We object to reading them into the record, your Honor, as not being material to the issues in the case, no reference whatever to any issue in the case.

Presiding Inspector: I think I will take them. Captain Hynes can explain.

Mr. Gladstein: On page 23,523 of the same volume of the LaFollette Reports to which I have been making reference, in a report purporting to be a joint report from Agents 10 and 20, a portion of it reads as follows:—

Presiding Inspector: (Interposing) Now, this is to show bias on the part of Captain Hynes?

Mr. Gladstein: Yes.

“Regarding the plan set forth in our last report, it is not wise to reduce it to writing, especially when such writing is to be mailed. According to instructions received from Captain H. Agent 10 will be in Los Angeles Thursday, November 9th. Agent 20 will attend the union local meeting tonight in Coalinga..

(Testimony of William F. Hynes.)

"If there is any specific or particular information clients desire, Agents will be glad to secure the same, and such requests should be made through Captain H. as it would be dangerous to contact company officials in these small [3813] towns.

"On telephoned instructions, Agent 20 joined Agent 10 in Bakersfield Tuesday morning for the purpose of making out this joint report in accordance with orders from Captain H."

Mr. Del Guercio: What is the question?

Presiding Inspector: Is that a part of this report which was in your files? That is the question, isn't it?

Mr. Gladstein: Yes, I think he has already so stated.

Mr. Del Guercio: Well,—

Mr. Gladstein: (Interposing) Well, I will ask him the question. I have just read from it. It is true the witness has a right to check on my reading but he has identified these.

By Mr. Gladstein:

Q. The parts I just read, Mr. Hynes, are parts of reports that were in your files; correct?

Mr. Del Guercio: Show him the report.

Presiding Inspector: He has seen it.

A. I testified previously those were in our files.

Presiding Inspector: What do you claim for that, Mr. Gladstein? Just so I may understand. What do you claim for that?

Mr. Gladstein: I didn't hear your Honor.

(Testimony of William F. Hynes.)

Presiding Inspector: What do you claim for that?

Mr. Gladstein: This establishes again the question of [3814] the hostility of this witness and the character of work which he was conducting in the Intelligence Bureau.

Presiding Inspector: Yes, but is there anything in his testimony in respect to Chase, in respect to what Chase testified that you think is material here?

• Mr. Gladstein: Anything in Mr. Hynes' testimony?

Presiding Inspector: Yes.

Mr. Gladstein: Yes, certainly. I think in view of the reports that have been read in they definitely establish the character of the work being performed by the Intelligence Bureau under his supervision.

Presiding Inspector: You have asked him certain things about that.

Mr. Gladstein: Yes.

Presiding Inspector: There is no evidence to the contrary, is there?

Mr. Gladstein: No, not that I know of.

Presiding Inspector: No. Well, then, you want to show that what he said was not true?

Mr. Gladstein: On what subject, your Honor?

Presiding Inspector: On the character of the Police Department.

Mr. Gladstein: Well, he said previously that all he was interested in was the activities of the Communists.

Presiding Inspector: What difference does it

(Testimony of William F. Hynes.)

make whether [3815] he testified falsely or truly in that respect?

Mr. Gladstein: On that subject?

Presiding Inspector: Yes.

Mr. Gladstein: Because, you see, both he and Chase have used the same terminology for the purpose of covering up their real activities.

Presiding Inspector: Suppose they have, what difference does it make?

Mr. Gladstein: It tends to show the character of Mr. Chase, the character of the work he was performing.

Presiding Inspector: Do you say the fact that he gives contradictory statements or, perhaps, doesn't testify to what you think is the fact bears on the character of Mr. Chase?

Mr. Gladstein: Because he, for this reason—

Presiding Inspector: (Interposing) Because he uses corresponding phrases?

Mr. Gladstein: No, not just for that reason, but because Mr. Chase was doing work, or informing for Mr. Hynes on the same subject matter, he says which his department was interested in investigating. Now, although they call that subject matter Communistic activities and illegal conduct of Communists, actually our purpose is to show and, I think, the record now substantiates this statement, that their conduct was not just that, or not that at all, but it was actually for the purpose—for an anti-labor and anti-union purpose. [3816]

Mr. Del Guercio: On the contrary.

(Testimony of William F. Hynes.)

Presiding Inspector: You haven't shown that. You have shown that he said it was for that purpose. You have shown that your witness so swore and now you attempt to show that he is not worthy of belief?

Mr. Gladstein: No.

Presiding Inspector: Assume that to be so, it doesn't prove the contrary. The denial in the same place doesn't prove you were there, even that you are not to be believed.

Mr. Gladstein: These documents are to prove the facts stated in those documents:

Presiding Inspector: Hearsay.

Mr. Gladstein: It may be. A lot of hearsay has been admitted. As far as these documents are concerned we charge they contain a true statement of the facts.

Presiding Inspector: Suppose Mr. Hynes was not a witness?

Mr. Gladstein: A witness to—

Presiding Inspector: (Interposing) Anything, hadn't been called, would this statement be admissible?

Mr. Gladstein: Well, the question is one of identification. If there were other means of identification outside of calling Mr. Hynes as a witness I would say they were admissible evidence and material in the case.

Presiding Inspector: To prove that the Los Angeles [3817] Department of Intelligence, what-

(Testimony of William F. Hynes.)

ever we may call it, was engaged in anti-labor practices?

Mr. Gladstein: Yes, and that Mr. Chase, therefore—

Presiding Inspector: Made reports to them?

Mr. Gladstein: Yes, and his work was for them.

Presiding Inspector: That is very remote.

Mr. Gladstein: I think not, your Honor.

Presiding Inspector: Are we going to have all the departments of the state correspondingly investigated?

Mr. Gladstein: No, there was only one and that was the one that Mr. Hynes had. That is the only one I have ever heard of in the State of California that conducted that kind of work. It was notorious throughout the State.

Presiding Inspector: That may all be true, but it leaves me very cold as yet.

Mr. Gladstein: Well, we may have to make lengthy arguments on the subject to your Honor; that may be true.

Presiding Inspector: You may have to. I will take this but I don't see it is very pertinent.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Now, Mr. Hynes, isn't it true that you received expressions of gratitude from employers for assisting them in keeping their shops non-union?

Mr. Del Guercio: Now, if your Honor please, I submit [3818] that such a question is clearly without the scope of this hearing.

(Testimony of William F. Hynes.)

Presiding Inspector: To get the relevancy of that you would have to go far afield. I will exclude it. We don't care what impressions they make, the impressions on either the labor unions or the employers of labor.

Mr. Gladstein: Well, I think on that I would like the record to show, at any rate, an offer of proof, your Honor, to this effect: That if I were permitted to do so I would get either by admission from this witness or through confronting him with a document in this same volume of the LaFollette Committee Reports an admission—

Mr. Del Guercio: (Interposing) If the Court please, while counsel is pausing, I would like to say that it appears that he is trying to get into the record by indirection what he could not get by asking the question.

Presiding Inspector: Go ahead. I will take your offer.

—Mr. Gladstein: To continue with my offer of proof—I don't know where I stopped so I had better start it again. My offer is that if I were permitted to ask it of this witness I would get either from him as a direct answer or through confrontation with a document appearing on page 23,560 of the same volume of the LaFollette Committee Reports an identification of a letter addressed to Captain William F. Hynes on September 26, 1936, coming from Mr. Frank A. Garbutt, [3819] Suite 712, 411 West 7th Street, Los Angeles, a letter saying "Dear Captain Hynes: I believe—"

(Testimony of William F. Hynes.)

Presiding Inspector: Oh, this is certainly improper.

Mr. Gladstein: Well, you haven't heard it yet, your Honor.

Presiding Inspector: Oh, you haven't any right to read the document into the record here on an offer—

Mr. Gladstein: Well, I will summarize it.

Presiding Inspector: (Continuing) —and have the same effect as if it is in the record.

Mr. Gladstein: I will summarize it.

Presiding Inspector: No, you can identify it by a mark, not read the letter.

Mr. Gladstein: I have identified it to the extent it appears on page 23,560, being Exhibit 10276 on that page. I think, for the purposes of identification, that I should state—

Presiding Inspector: (Interposing) I won't let you state the contents.

Mr. Gladstein: I merely want to identify it by one reference.

Presiding Inspector: No, you have identified it sufficiently. There is no question about it. Unless you show it to me. [3820]

Mr. Gladstein: Yes, I will. It starts at the bottom of the page (Handing document to the Inspector.).

Presiding Inspector: I should think, perhaps, the Government would allow that to go in.

Mr. Gladstein: You think they would?

(Testimony of William F. Hynes.)

Presiding Inspector: I should think they would.

Mr. Del Guercio: I don't know what it is, if your please. Whether or not it is favorable to the Government or not, my only interest is in the record here, that it is getting so lengthy. We are losing sight of the real issue.

Presiding Inspector: I haven't lost sight of the real issue.

Mr. Del Guercio: (Examining document). We have no objection to having it read.

Mr. Gladstein: All right.

By virtue of what amounts to a stipulation, then, I will read it into the record.

Mr. Del Guercio: Not by virtue of a stipulation.

Presiding Inspector: He means without objection.

Mr. Gladstein: The letter is as follows:

"Frank A. Garbutt

"Suite 712—411 West Seventh Street

"Los Angeles, California, September 26, 1936.

"Capt. Wm. F. Hynes,

"Los Angeles Police Department,

"Los Angeles. [3821]

"Dear Capt. Hynes: I believe our boat builders' strike at San Pedro is practically over and, due to the wonderful protection that you gave us in maintaining law and order, I am happy to say that the shops are running non-Union.

"We want to express our appreciation of the fine type of men detailed for this job. They were fair

(Testimony of William F. Hynes.)

to all concerned and their firmness in maintaining order is responsible for there having been no violence whatever.

"If we can reciprocate at any time, kindly let me know.

"Sincerely,

FRANK A. GARBUTT."

I think, perhaps, we ought, for the purpose of the record, to have some identification of the man if Mr. Hynes is in a position to give it.

Mr. Del Guercio: Now, are we going to try Garbutt?

Mr. Gladstein: No; just to find out who he was.

Presiding Inspector: Did you receive that letter?

The Witness: Yes, I received that letter. I received numerous other letters from unions along the same line praising our fairness in the handling of labor disputes, particularly in the 1934 maritime strike at San Pedro from the International Longshoremen's Association.

By Mr. Gladstein:

Q. You received letters? [3822]

A. Yes, letters of appreciation.

Q. From the Union?

A. From the Union officials, passed by the Executive Board of the Union.

Q. Do you have those in your possession?

A. No; they can be subpoenaed from the files of the Mayor's office.

(Testimony of William F. Hynes.)

Q. Do you have any objection to our getting these?

Mr. Del Guercio: He said they are in the Mayor's office. Get them from the Mayor. The Mayor has them.

A. The Mayor has them.

He has asserted our office is anti-labor. I can bring thirty-five to forty members, leaders from the A. F. of L. to just show the contrary.

Mr. Gladstein: I move that be stricken out.

The Witness: That is the truth. I can bring six or seven CIO leaders up here too if it was not for the fact——

Presiding Inspector: (Interposing) Wait a moment. I will strike out everything after the question and answer about, "Do you object to our getting those?" These last voluntary remarks I will strike out of the record.

Mr. Del Guercio: I assume that counsel would want to be fair in this matter and would try and get those letters.

Mr. Grossman: We are perfectly willing, your Honor, if your Honor will permit us, to make an issue in this case generally of the reputation of Mr. Hynes for anti-labor acti- [3823] vities. We are perfectly willing those should go in. If he thinks he can make a case he is not anti-labor we will make an issue of it and prove the contrary, if Mr. Del Guercio wants that.

Presiding Inspector: Let's not have these bylines.

(Testimony of William F. Hynes.)

Mr. Grossman: I will accept Mr. Del Guercio's proposal to that extent.

By Mr. Gladstein:

Q. Mr. Hynes, did you ever —

Mr. Del Guercio: (Interposing) I can't hear counsel.

By Mr. Gladstein:

Q. Mr. Hynes, did you ever cause Mr. Bridges to be shadowed by your men?

Mr. Del Guercio: If your Honor please, I will object to that. What difference does it make whether he had been shadowed or not, unless —

Presiding Inspector: (Interposing) I don't know, but I will take it.

A. I testified that I made an investigation on Bridges attempting to secure evidence in connection with his deportation. I have admitted that here.

Mr. Gladstein: Would you please read the question back to Mr. Hynes?

(The question referred to was read by the reporter as above recorded.) [3824]

Presiding Inspector: Did you ever have him shadowed?

The Witness: Yes, I have had him shadowed.

By Mr. Gladstein:

Q. Now, when you got this subpoena, Mr. Hynes — withdraw that.

From whom did you receive it?

A. The subpoena to be present in this Court room?

(Testimony of William F. Hynes.)

Q. Yes, that is right.

A. Well, I received it from the Immigration Inspector.

Q. Where were you when you received it?

A. I was at the Wilshire Police Station when I received it.

Q. When was that?

A. It was around 12:00 o'clock noon, I think.

Q. Of which day?

A. Of the day preceding my arrival here.

Q. Yesterday was the date of your arrival?

A. I arrived here—yesterday morning, it was. That would be the 12th I received it, then.

Q. That is Monday?

A. Monday, the 12th.

Q. Monday about noon?

A. Noon, the 12th.

Q. After receiving that subpoena what did you do or what did you go about doing in order to obtain the records [3825] you brought?

A. Well, in the morning I had received a notification from the Acting Chief of Police, McDonald, to the effect—through his secretary, or Lieutenant in charge, to the effect that he had been served with a subpoena to produce certain records, and he read it over the phone mentioning some La Follette Committee hearing, and also specifying a particular document, this document here that is on the table.

Q. This was read to you over the telephone?

A. This was read to me over the telephone, and asked me to make a search of the records to find any

(Testimony of William F. Hynes.)

documents which were pertinent to that subpoena, and I made a search and went through—

Q. (Interposing) Where did you make a search?

A. I made a search out there where the records are.

Q. Where is that?

A. At the Wilshire Station.

Q. That is where you were located?

A. Yes, I was located there.

Q. Well, then, you have these records with you in that building?

A. Well, I don't have them with me in that building.

Q. Well, are you stationed over there?

A. I am stationed in the Wilshire Division, yes.

Q. These records were at the Wilshire Division?

[3826]

A. Yes, they are at the Wilshire Division.

Q. How long have they been there?

A. Oh, I don't know. They were moved out there possibly a year ago. I don't know exactly.

Q. About the same time that you began doing this liaison work?

A. No; I had done liaison work long before that.

Q. Now, the records that you are referring to that are at the Wilshire Station or Division, whatever it is called, are they your complete files that you used to have when you were at the head of the Intelligence Bureau?

A. I can't say that they are complete any longer.

(Testimony of William F. Hynes.)

As I said, Mr. Dave Sokol had removed a lot of them.

Q. Well, are they all the files, at any rate, whether there are documents missing or not? Are they the same files that you used to have under your charge when you were the head of the Intelligence Bureau?

A. Yes, and many additional ones.

Mr. Del Guercio: If the witness knows.

The Witness: There are thousands of files out there. I don't know—

By Mr. Gladstein:

Q. (Interposing) Now, how did you go about making a search for the documents requested?

A. I made a search—

Mr. Del Guercio: (Interposing) If your Honor please, [3827] I object to any more questions along this line. The witness has produced the documents that counsel has requested in his subpoena so what difference what search he has made, how long he made it, and for what purpose?

Mr. Grossman: He has not produced all the documents, though.

Presiding Inspector: I will take it.

A. I made a search of the index cards and the matters that were returned by the LaFollette Committee.

By Mr. Gladstein:

Q. You say you made a search of the index cards. State very briefly—

A. (Interposing) And to certain—

(Testimony of William F. Hynes.)

Q. (Interposing) Just a minute, please.

Will you state very briefly just what you did to make that search?

A. I went into the subject matter...

Q. What subject matter did you look for?

A. Well, Ezra Chase.

Q. Did you look under any other topic?

A. Yes, I looked under the operatives' reports and things of that character and I looked into matters, looked at the final record that I made a demand on of Senator LaFollette of the documents he had taken, and I looked those records up in an attempt to identify some of them and see [3828] whether we had them or not. I made an exhaustive search for about three and one-half hours.

Q. All right.

A. Then I went to the Chief's office and reported.

Q. I hadn't finished yet. We will get to the Chief's office later.

Mr. Del Guercio: Let him finish his answer.

Mr. Gladstein: He is leaving the Wilshire Station. I want to stay there for a little while.

By Mr. Gladstein:

Q. Now, Mr. Hynes, did you have a card in your files corresponding to every document or report?

A. No, we don't. I explained that, that we haven't the clerical help. I explained that before. We haven't an index to all the material. I couldn't find the document on this material between Chase and this man Lawrence back in New York, the na-

(Testimony of William F. Hynes.)

tional fraction, Communist Secretary of the Furniture Workers Unions, nor the Upholsterers Union. I couldn't find any reference to that on the index cards.

Q. Let me ask you this: When you received materials, reports, documents, materials from operatives or agents, informants, and you decided that you wanted to keep those, that they had value for you, and you put them away in a file, you would have to work out some method of getting an index card or something in order to enable you to find that material at a [3829] future date if you wanted to?

A. Oh, yes.

Mr. Del Guercio: I object to that as not being a question but an answer.

Presiding Inspector: I will allow it if the witness understands it.

A. We have a very exhaustive file, unlimited file. We file under Communist matters, under official Communist documents, under different classifications, under an international basis.

By Mr. Gladstein:

Q. In other words, would it be correct, Mr. Hynes; If operator X, let us say, sent you a letter or report which contained information that you wanted to keep you would file it away somewhere, but before doing so you would make out some kind of an index card and put that in your index files either under the name of that operative or some other designation to help you find it? —

A. Not necessarily.

(Testimony of William F. Hynes.)

Q. Well, how would you do that?

A. Lots of times extremely confidential matters were never put in those files, indexes, I mean.

Q. Outside of the extremely confidential matters that were not indexed I want to know—— [3830]

A. (Interposing) They wouldn't necessarily be indexed. All operatives' reports were not necessarily indexed. I told you we didn't have the clerical help to index. In the same way, newspapers would not all be indexed. We wouldn't have the help.

Q. Would it be your general plan to have everything indexed?

A. If we had sufficient help. Like the LaFollette Committee, they had a lot of assistance from Communists; and things, yes. We would try to be as efficient as we possibly could, yes.

Q. Did you find, when you were making a search for these documents called for by the subpoena, did you find any cards in your index file for which you did not have corresponding documents?

A. Yes, I found—I ran across one of Charlie Chaplin, they picked out of the index, some reference to him, making some contribution to a Communist subsidiary organization.

Q. Is there anything in that subpoena, Mr. Hynes, that calls for——

A. (Interposing) No, but I was looking through all the material. You asked me about particular index cards.

Q. You listen to the question, please. I asked you, whether, in going through your index, your

(Testimony of William F. Hynes.)

card index, under the name of Chase, I think you said—— [3831]

Mr. Del Guercio: (Interposing) If your Honor please, I request the question as the reporter has it.

Mr. Gladstein: Well, I will start all over again.

By Mr. Gladstein:

Q. I want to ask you this question now: When you went to your card index, under the name of Chase did you find any cards for which there were no corresponding documents or letters or reports?

A. No, I don't think I found any such cards. I found a lot of cards under arrests, which weren't specified—I hesitated whether to bring them or not but you didn't specify them and I didn't bring them—five or six arrests on Ezra Chase. I had no cards for which I——

Q. (Interposing) Any missing documents?

A. I didn't have any cards at all on those Lawrence matters I said I brought up.

Q. But of the cards that you did have there were none concerning which the corresponding reports or documents which caused the creation of those cards would be missing, is that right?

Mr. Del Guercio: If your Honor please——

Presiding Inspector: I think he has answered that question.

Did you find a number of cards with Chase's name on them?

The Witness: I found a number of cards, as I said, [3832] pertaining to arrests and such things.

Presiding Inspector: And aside from that?

(Testimony of William F. Hynes.)

The Witness: I found—I don't think I found any cards pertaining to Chase on operatives' reports.

Presiding Inspector: Well, then, he didn't find any. Whether he looked for cards or documents, of course, would be material. He couldn't find any corresponding documents of absent cards unless he had copies of the cards.

By Mr. Gladstein:

Q. Well, did you find cards—withdraw that.

This card index that you have mentioned, you say that those also are made under operatives?

A. I didn't say that.

Q. Well, are they? A. No.

Q. Do you have any card index at all for your operatives?

A. I said that that material would not all the time be indexed. It might possibly be but not all times.

Q. When it is indexed—

Presiding Inspector: (Interposing). You had some cards?

The Witness: There might be some cards, yes, under names of people mentioned by the operators but it would refer to the operator's report that this individual was mentioned in. [3833]

Presiding Inspector: I think we will stop here.

(Whereupon, at 12:45 P. M. a recess was taken until 2:00 P. M. of the same day.) [3834]

After Recess—2:00 O'clock P. M.

Presiding Inspector: Do you want to introduce these other instruments, Mr. Gladstein?

Mr. Gladstein: I think not.

Presiding Inspector: Just to refresh my recollection—this is off the record.

(Remarks outside the record.)

Presiding Inspector: On the record.

Mr. Del Guercio: I have a matter here on the status of the Cannalonga case which I will hand to the Court.

Presiding Inspector: You have shown this to Mr. Gladstein?

Mr. Del Guercio: No, I haven't—unless the Court wants to.

Presiding Inspector: Yes.

(The document referred to was passed to the Presiding Inspector.)

Mr. Del Guercio: If your Honor thinks it is necessary it can be shown to Mr. Gladstein.

Presiding Inspector: Do you want to see this, Mr. Gladstein?

Mr. Gladstein: Is that a report on the Cannalonga case?

Presiding Inspector: Yes.

(The document referred to was passed to Mr. Gladstein.)

(Testimony of William F. Hynes.)

Presiding Inspector: Hand it back to me—hand it to Mr. [3835] Del Guercio.

(The document referred to was handed to Mr. Del Guercio.)

Presiding Inspector: Go on, Mr. Gladstein.

WILLIAM F. HYNES

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Direct Examination (Continued)

By Mr. Gladstein:

Q. Did anybody else besides yourself, Mr. Hynes make any search for the documents in response to the subpoena?

A. No. I was designated to make the search because of my familiarity with the records of the Bureau?

Mr. Gladstein, there is one matter I want to make a slight correction on in reference to my testimony yesterday.

Q. You want to make a correction?

A. A slight correction.

Q. Go ahead.

A. You asked me about the period I was on leave of absence. I think I stated it was from December 1934 to September 1935; whereas it should have been in the latter part of August or the first part of September, 1934, to June or July of 1935.

(Testimony of William F. Hynes.)

Q. A matter of one or two months?

A. Yes.

Q. You mentioned—withdraw that. During the 1934 [3836] strike, the waterfront strike, you would have been on duty in charge of your Intelligence Bureau?

A. Well, I really had two offices at that time; one in town and one at the harbor.

Q. No, Mr. Hynes—I wasn't asking you where you had your office.

A. Yes, I was in charge of it.

Q. You were still with the Police Department?

A. Yes; in charge of both details, the strike detail at the harbor and also the Intelligence Bureau.

Q. Was it in connection with the 1934 strike that you received these letters of commendation from the ILA?

Mr. Myron: I object to this line of inquiry, if your Honor please. It is entirely immaterial.

Presiding Inspector: I will sustain it. You can make a comparison by what he said.

The Witness: I want to clarify that position. I was in charge—

Presiding Inspector: I don't think it needs any clarification.

The Witness: Except I wasn't actually in charge throughout the whole strike.

Presiding Inspector: The ruling was to hurry the hearing; that is all.

Mr. Gladstein: But the witness had mentioned that he [3837] received letters of gratitude, or rec-

(Testimony of William F. Hynes.)

ommendation, or commendation, not just from the employers, but he said even the ILA, and I wanted to know whether he had received such letters from the ILA—which stands for the International Longshoremen's Association—in 1934 in connection with the 1934 waterfront strike.

A. They were.

Mr. Del Guercio: I object to that question, if your Honor please.

Presiding Inspector: I don't think it is material. You have the letters if you want them.

Mr. Gladstein: Did you say I have the letters?

Presiding Inspector: He said the letters were in the Mayor's possession and he has no objection to you seeing them. I don't know that they would be competent.

By Mr. Gladstein:

Q. In connection with the 1934 strike—

Presiding Inspector: You can move to strike out the answer if you wish to.

Mr. Gladstein: Yes. I do so move.

Presiding Inspector: Are you sure?

Mr. Gladstein: As I recall, he testified he received, not only letters of commendation from employers, but also from the union. It is not a matter on which we could confront him because he claims that these letters are in the possession of [3838] the Mayor.

Presiding Inspector: You can get them and confront him with them.

(Testimony of William F. Hynes.)

Mr. Gladstein: Then I won't move to strike.

Presiding Inspector: I thought that you brought it out yourself as to who they were from, and so forth.

By Mr. Gladstein:

Q. Have you ever heard of an organization known as the Marine Service Bureau?

A. Yes, sir.

Q. Briefly, what was that?

Mr. Del Guercio: I object to that, if your Honor please. That union is not in issue in this case.

Presiding Inspector: I will take it. I don't know what point it has.

A. It is an organization of shipowners, employers of labor.

By Mr. Gladstein:

Q. Of longshoremen? A. Yes.

Q. In the Port of San Pedro and Los Angeles?

A. Yes.

Q. Isn't it a fact that in the year 1934 you received \$2,135 from the Marine Service Bureau for your services?

Mr. Del Guercio: If your Honor please, I object to that [3839] question and ask that counsel be cautioned along those lines. I don't know what he is trying to do.

Presiding Inspector: I don't understand it. What point do you claim in relation to Ezra Chase that there has been any falsification from this witness?

(Testimony of William F. Hynes.)

Mr. Gladstein: This, your Honor—

Presiding Inspector: Answer that one question, if you can, or do you decline to answer?

Mr. Gladstein: I don't decline to answer. I will be glad to answer. When you say "What point," obviously that doesn't call for a one-word answer.

Presiding Inspector: Certainly not.

Mr. Gladstein: My position is that the labor spying activities and union-breaking activities of the Intelligence Bureau, of which this witness was the head, are further established by virtue of the fact that he, as an officer of the Los Angeles Police Department, received from the employers, in connection with this 1934 strike, a sum upward of \$2000 for his services against those longshoremen.

Presiding Inspector: But that doesn't show—I want to know what fundamental question in relation to the credibility of Ezra Chase you think this witness has falsified on so that we can go into his character and all.

Mr. Gladstein: Only on the question of the character of work performed by the Intelligence Bureau. [3840]

Presiding Inspector: We are not interested, really interested in that.

Mr. Gladstein: We are interested in so far as it shows the character of work they were doing and, therefore, the character of work that Mr. Chase was doing.

Presiding Inspector: That might not follow. They are a public institution. You have got the fact

(Testimony of William F. Hynes.)

established here by the testimony of Mr. Chase, and by the corroborating testimony of your own witness, Mr. Hynes, that there were numerous reports made by Mr. Chase to Mr. Hynes about matters in labor unions. Now, you don't want to dispute that, do you?

Mr. Gladstein: Of course not; no.

Presiding Inspector: In fact, that is what you called this witness here for.

Mr. Gladstein: Precisely.

Presiding Inspector: Now, you want to break him down?

Mr. Gladstein: I want to show more than what he has already admitted.

Presiding Inspector: You have said many times that your evidence goes to the credibility, and that means the noncredibility of this witness.

Mr. Gladstein: No. The evidence we seek to bring out goes to establish the character of the Bureau over which this witness had charge.

Presiding Inspector: How is that pertinent in this case? [3841]

Mr. Gladstein: Because if it was a union-breaking, labor-spying outfit conducted by Mr. Hynes, that is relevant to the type of credibility of Chase, because it reflects on the character of work he was performing.

Presiding Inspector: Very remotely relevant. Now, the object of this seems to be to investigate the general character of this Bureau of the Department of Los Angeles.

(Testimony of William F. Hynes.)

Mr. Gladstein: Only in so far as it shows an attempt to break unions and to prevent workers from organizing into unions.

Presiding Inspector: How do we know that Mr. Chase, who gave him the information, had any such purpose?

Mr. Gladstein: Based on the reports that are in evidence based on his own admissions as to what he reported.

Presiding Inspector: Then you don't need anything more.

Mr. Gladstein: But Mr. Chase was obviously not in a position to give evidence, conclusive and comprehensive evidence, as to the activities of that Bureau.

Presiding Inspector: Very well. Go ahead. I will let you show it but, remember, you run the risk of prejudicing your case. Go ahead.

Mr. Gladstein: What was the question?

(The question referred to was read by the reporter as above recorded.) [3842]

Presiding Inspector: I think that is immaterial. That simply is an employment so far as I know.

Mr. Gladstein: He says that he was on the police force.

Presiding Inspector: At this time?

Mr. Gladstein: Yes. He already testified to that.

Presiding Inspector: And that the services were rendered while he was on the force?

(Testimony of William F. Hynes.)

Mr. Gladstein: I am asking that.

Presiding Inspector: You haven't said that.

Mr. Gladstein: I will ask it this way:

By Mr. Gladstein:

Q. Did you receive, during the year 1934—

Presiding Inspector: If you are going to prove that—I won't force you to change your order of proof.

By Mr. Gladstein:

Q. Did you receive, during the year 1934, income upwards of \$2000 from the Marine Service Bureau?

Mr. Del Guercio: I object to it on the same ground.

Presiding Inspector: I will take it.

A. Can you be a little more specific as to the date, Mr. Gladstein?

By Mr. Gladstein:

Q. I said in the year 1934.

A. I was on leave of absence in 1934.

Q. First of all, did you receive it at any time during the [3843] year 1934? A. I—

Mr. Del Guercio (Interposing): Just a minute. I object to that. Let the Court rule on my objection before you answer the question.

Presiding Inspector: I don't understand the objection.

Mr. Gladstein: If he says he didn't receive it at any time in 1934 there is no further point in asking whether he received it in any particular month.

(Testimony of William F. Hynes.)

Mr. Del Guercio: I have an objection to the question.

Presiding Inspector: Let's find out when it was.

Mr. Gladstein: The question was specific as to the year.

Presiding Inspector: Did he say he was not in the employ of the Department all the year?

Mr. Gladstein: He just got through saying at some time in August or September, or something like that, he got a leave.

Presiding Inspector: Yes. When did—I suppose the question is, before you took your leave, did you receive such a sum?

The Witness: For services?

By Mr. Gladstein:

Q. Did you receive any money from them?

A. Yes. I received a lot of money during the 1934 strike. I am trying to place in my mind the dates of the 1934 strike and the time I was on leave of absence. [3844]

Q. For the purpose of refreshing your recollection, it has been said in the record here, and I don't think there is any dispute about it, that the 1934 strike occurred between May 9 and July 31, 1934. You were on leave of absence after that latter date, were you not?

A. I was on leave of absence, I think, the latter part of August, as I stated before; yes. I probably did receive an amount of money—I wouldn't state the exact amount for I don't know—for serv-

(Testimony of William F. Hynes.)

ices in a capacity, in some capacity, working for them in an investigative capacity, and so forth.

Q. What kind of service?

A. Investigative service.

Mr. Del Guercio: I object to that.

Presiding Inspector: I will take it.

By Mr. Gladstein:

Q. That was investigative work in connection with the strike?

A. No. The strike was already over. You just said that. This was the period I was on leave of absence from the Police Department.

Q. Afterwards?

A. Certainly. The period of the strike was from July, you said, from June until July, something like that.

Q. What kind of service did you perform after you went on leave of absence? What kind of service did you perform for [3845] the Marine Service Bureau after you went on leave of absence from the Police Department?

A. I don't recall the specific details as to what the service was. It was in some investigative capacity.

I know that prior to that time I had done some work for somebody else while I was on leave of absence.

But I received money—I am trying to be frank with you—I had received some money from the Marine Service Bureau during the course of the strike to cover the expenses of maintaining the

(Testimony of William F. Hynes.)

officers down there at the harbor. That amount was rather a substantial amount, running into—I didn't receive it all—I mean it was paid by way of check and money, drawn by way of check, to pay for the maintenance of the police on the basis of around \$2.50 or \$3.00 a day.

Q. I am referring now, Mr. Hynes, to income which you personally received?

A. I said I received some income from them.

Q. From the Marine Service Bureau?

A. Yes.

Q. This income you received, or some of it, during the 1934 strike? A. No, sir.

Q. You are sure of that?

A. It couldn't be if the Marine Strike was from the period you said it was. You said the Marine Strike took place, [3846] the general strike down at the harbor, and on the coast, rather, took place between June and July the 19th, or something like.

Q. May 9th to July 31st.

A. No, no. I received money from them during the period of that strike, but not for services.

Q. Did you receive—then, do I understand you to say that you received about \$2000 from the Marine Service Bureau for services that you rendered for them after you went on leave of absence from the Police Department? A. Yes.

Q. What was the nature of those services?

A. I don't recall specifically as to that.

Mr. Myron: I object to this as immaterial.

Presiding Inspector: I will take it.

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Couldn't you recall the kind of investigation it was?

A. No; right after that my mind was taxed with the investigation I was handling in Sacramento in connection with the criminal syndicalism trial.

Q. Where did you conduct this investigation for the Marine Service Bureau?

Mr. Del Guercio: I object to the question, and questions along that line.

Presiding Inspector: He may answer.

A. I don't remember the specific details of it right now. [3847]

By Mr. Gladstein:

Q. Do you know, do you remember in what city you were conducting this investigation?

A. It was probably in and around Los Angeles, and maybe up and down the coast. I don't recall at this time.

Q. Do you recall with what industry your investigation was concerned?

A. Probably the Marine Industry; that was what they were interested in.

Q. Don't you know?

A. It was the Marine industry because that was the one that they were interested in.

Q. You said "probably." Don't you know?

A. To the best of my recollection I would say it was the Marine industry.

(Testimony of William F. Hynes.)

Q. In what form were these payments made to you? A. I think by check.

Mr. Del Guercio: I object to the question. He answered. He said he believes by check.

By Mr. Gladstein:

Q. Were these checks made out to you?

A. Undoubtedly so. There is nothing to hide about it—it was open and aboveboard.

Mr. Gladstein: I move that the last part of the answer be stricken. [3848]

Mr. Del Guercio: It left an implication and the witness should be permitted to put one in there too.

Presiding Inspector: I will strike it out.

By Mr. Gladstein:

Q. Do you recall who issued those checks?

A. No, I don't right now.

Q. Was it the Marine Service Bureau?

A. Well; I imagine—I don't recall the printed matter on the check or anything. I know I had some money coming and I got it. What that amount was is reported on my income tax.

Q. Now, how long did you say you were on leave of absence?

A. Why, I think about a period of nine months or maybe a little longer, nine months and a half, maybe less.

Q. Who else did you work for in that period besides the Marine Service Bureau?

A. I worked for the Associated Farmers in a cooperative capacity with the District of Sacra-

(Testimony of William F. Hynes.)

mento County. I worked for a furniture group, a group of furniture manufacturers in Los Angeles. I worked for a group of store fixture people manufacturing store fixture equipment. During that period I was on leave of absence. I think I worked, done a little work for the American Meat Packers Association.

Q. When you say you worked for these people you mean that [3849] you rendered services for which they paid you? A. That is right.

Q. Did you also work for the Los Angeles Railway Company?

A. Yes, that is the work I wanted, I think for a period of twenty-one days. However—

Q. (Interposing): You weren't working for all of these—excuse me.

A. However, I didn't complete my service with them at all. We had some sort of disagreement and I left.

Q. Now, you weren't working for all of these various organizations or employers at the same time, were you?

A. Well, there may have been a time when I had two jobs at one time or—

Q. (Interposing): Well, give us your best recollection, if you will, Mr. Hynes, as to the order in which these employments occurred.

Mr. Del Guercio: If your Honor please, that is going into—

Presiding Inspector (Interposing): I will take it.

(Testimony of William F. Hynes.)

A. Well, I would say that my first employment was at the L. A. Railway Company making a survey of their properties, a prospective survey of their properties for a period of twenty-one days. My next employment was with the Associated Farmers in the County of Sacramento in connection with the criminal syndicalism trial up there which lasted a [3850] period of four months. Following that I returned to Los Angeles, I think in April some time, and I was employed by, I think, this cabinet and store fixture group, then by this furniture group, or maybe both of them interlocking at the same time, to the best of my memory, and I don't know whether it was in the interval before that employment or after the furniture employment that I done some work for the American Meat Packers.

By Mr. Gladstein:

Q. When did you do the work for the Marine Service Bureau?

A.. That was in between the period that I was on leave of absence, probably in August until the time I was in Sacramento, because I have a hazy recollection of receiving a check from them while I was in Sacramento.

Q. For how long did you work for the Marine Service Bureau?

A. Oh, I don't know how many—what period of time that was.

Q. Your best recollection.

(Testimony of William F. Hynes.)

A. Well, I think I hired some other people in connection with that work. I don't know whether it was a period of four or five months or what.

Q. Could you, Mr. Hynes, get from your department records the exact dates of your leave of absence? [3851]

A. Yes, I think I could.

Q. Would you have any objection to doing that and sending them up here?

A. No, I would gladly do that.

Q. Before you leave we will make arrangements for that, if you don't mind.

A. Yes.

Q. One more question on that.

The money you received from the Marine Service Bureau, that was money that you earned for services performed in 1934 and was so reported by you in your income tax; isn't that correct?

A. If that is true I received it in 1934.

Q. Now—

A. (Interposing): Of course, however, that doesn't mean the whole amount was paid to me. There may have been employment of other people in connection with that work; there may have been. That don't mean that I derived the whole amount.

Q. Do you mean to say you reported in your income tax amounts you received not as income for yourself but for others?

Mr. Del Guercio: If your Honor please, that isn't what the witness said at all. Counsel knows it isn't.

Mr. Gladstein: I want to ask him—

(Testimony of William F. Hynes.)

The Witness (Interposing): Well, if I received, as you [3852] say, \$2100.00 from the Marine Bureau I would show as receiving that and show how I disbursed it; if I spent any of it, and take credit on my return for it.

By Mr. Gladstein:

Q. Well, no; in your personal income tax—

Presiding Inspector (Interposing): For expenses.

The Witness: Yes.

By Mr. Gladstein:

Q. But you would report only—

A. (Interposing): That is what I mean.

Q. (Continuing): —that which came to you and was used by you personally, would you not?

Presiding Inspector: Why get into a dispute on this? I don't think that would be the proper way, would it?

Mr. Gladstein: What is that?

Presiding Inspector: I don't think that would be the proper way if he employed other persons. It would be a sort of business of his. He would have gross receipts and expenses.

Mr. Grossman: If he did that.

Presiding Inspector: That is what he said he did, as I understood him.

The Witness: That is my best recollection of it.

Presiding Inspector: Of course, it is so long ago.

By Mr. Gladstein:

Q. Now, Mr. Hynes— [3853]

(Testimony of William F. Hynes.)

A. (Interposing) However, there is a point there that may come up later on, the matter of this employment with the Associated Farmers, being that you have gone into it. I was never paid up in full for those services at the time that my employment terminated.

Q. I didn't ask for that.

A. I received—well, I know that the LaFollette Committee has those records and I didn't want you to make an issue out of it later on after I am gone, that I received money during 1936, which had already been—

Q. (Interposing). I promise you I won't make an issue of the fact that the Associated—

Mr. Del Guercio: Well—

Mr. Gladstein: (Interposing) Just a moment, please. That the Associated Farmers did not pay you.

Mr. Myron: There is no question.

Mr. Del Guercio: If your Honor please, that is clearly out of order for counsel to make a remark of that kind.

Mr. Myron: I think he has been given plenty of opportunity to make speeches in this Court right up to now.

Presiding Inspector: You have all taken advantage of that, even the Presiding Inspector. I don't know whether the question was answered or not. I think it was a statement, a voluntary statement. [3854]

(Testimony of William F. Hynes.)

By Mr. Gladstein:

Q. Now, Mr. Hynes, did you ever suggest to either Mr. Chase or to the Immigration Department that Mr. Chase go to the Immigration Department, or that he give to the Immigration Department whatever information he might have on Harry Bridges?

A. No, I don't think I ever have suggested that.

Q. Did you advise the Immigration Department that there was a man named Ezra Chase who claimed to know, or to have certain information concerning Bridges?

A. No, I don't think I did. However, if they had asked me I would have told them.

Q. Were you not working with, corresponding with Mr. Bonham and Mr. Norene in connection with the Bridges' case?

Mr. Del Guercio: Well, if your Honor please—

Presiding Inspector: (Interposing) How is that material?

Mr. Grossman: Your Honor, may I say this: There are some general rules of law about a person's failing to do certain things that are the nominal things to do, for example, failing to deny, if the occasion calls for a denial, and so on.

Presiding Inspector: That is true.

Mr. Grossman: Now, if Captain Hynes was working, as he began to admit before, on the Bridges' case, and if he had [3855] information, that would tend to prove that Bridges was a Communist, or affiliated with the Communist Party, it

(Testimony of William F. Hynes.)

would be reasonable to assume that as part of that investigation or cooperation on the case he would turn that over or make it available. Now, if he did, for example, he has referred here to certain statements that he said Mr. Chase made to him over the telephone about Bridges going to lay down the Communist Party line—not that I say that is any evidence—at least the Government thought in this case it was evidence enough to produce. Now, if Captain Hynes did not even bring that to the attention of the Government before the last hearing it has some significance as to whether or not he actually ever heard such a thing or not.

Mr. Gladstein: Or having heard it, whether he ever believed it or not.

Mr. Grossman: Or believed it.

Presiding Inspector: We don't care whether he believed it or not. That is not material.

Mr. Grossman: If he, knowing Chase, didn't believe Chase, I think that is material.

Presiding Inspector: No, no, that is not material at all. We can't go and ask whether everyone about here believed any particular witness with whom they have had some talk. He takes the information for what it is worth; that is all there is about it. He doesn't necessarily believe it or dis-
[3856] believe it. I think his beliefs are very remote from this question that we are examining. Now, I don't know any compulsion that requires persons to give information about anything in a deportation case.

(Testimony of William F. Hynes.)

Mr. Grossman: No, but I say if he was working with him, preparing evidence, giving evidence, and failed to give this particular item of evidence—

Presiding Inspector: (Interposing) If he was working with him in what respect?

Mr. Grossman: If he was preparing, or attempting to prepare or send to the Immigration Service evidence against Harry Bridges, and a certain item of evidence—

Presiding Inspector: (Interposing) I don't know whether Mr. Norene had that job.

Mr. Grossman: Well, this witness has indicated that. We can prove that he was working with him, preparing, trying to get evidence on Harry Bridges.

Presiding Inspector: What do you want to show about this?

Mr. Grossman: Because this witness volunteered that Ezra Chase had told him over the telephone that Bridges was going to lay down the party line at this meeting, we say the fact he didn't report it is conclusive proof he never heard such a thing at that time. [3857]

Mr. Del Guercio: Before counsel's remark is forgotten, and we might go on to some other matter, I would like his statement that frankly we don't believe him ought to be stricken out of the record, or he should be required to explain why he brought the witness here.

Presiding Inspector: Oh, no, no; that is one of those remarks made in the heat of this trial.

Mr. Grossman: I will explain it.

(Testimony of William F. Hynes.)

Presiding Inspector: I don't think that amounts to much.

Mr. Gladstein: I want to say this: I don't intend to go very deeply into this subject.

Presiding Inspector: I will take it.

Mr. Gladstein: So the Court will understand exactly what is involved, in the last hearing we were required to extract at great pains and great difficulty as much as we could from the unwilling lips of men like Harper Knowles and Captain John J. Keegan of the Portland Police Department, information concerning the character and nature of their activities in efforts to secure evidence to deport Harry Bridges, and in that case, as a result of the testimony given by those witnesses, the name of Captain Hynes was clearly placed in the record as one of the men who, through correspondence with Harper Knowles and through correspondence with Captain John J. Keegan, was involved in this joint effort to obtain evidence against Harry Bridges. [3858]

Now, Mr. Hynes already has said in this case that he was—I am not trying to change his testimony by this statement—this is just my recollection—that he was engaged in attempting to get evidence on Mr. Bridges, something of that sort.

Now, I simply ask him now whether it isn't a fact that in connection with those efforts on his part he was corresponding with Mr. Bonham and Mr. Norene or Captain John J. Keegan or Mr. Harper Knowles. I think we are entitled to answers on those things.

(Testimony of William F. Hynes.)

Mr. Del Guercio: How about Miss Perkins?

Mr. Gladstein: Or with Miss Perkins; I haven't any objection to that, or you can bring it out.

Presiding Inspector: All right, we will take it.

Mr. Gladstein: All right.

By Mr. Gladstein:

Q. Now, Mr. Hynes, isn't it true that you were corresponding with Harper Knowles in connection with your efforts to obtain evidence for the purpose of deporting Harry Bridges?

Mr. Myron: I object to that question, entirely immaterial, and it is an obvious attempt on the part of the Alien's counsel to raise a new issue in this case, to manufacture a new issue which is not present in the case.

Presiding Inspector: I will take it.

A. I think it is just the reverse. Harper Knowles [3859] communicated with me.

By Mr. Gladstein:

Q. Well, was there correspondence?

A. There was correspondence, yes.

Q. That is, letters back and forth between the two of you?

A. Yes, not only concerning Mr. Bridges, but other Communists.

Q. How about correspondence between you and Captain Keegan on the subject of——

A. (Interposing) I think two letters.

Q. (Continuing) ——Just a moment, please. On the subject of trying to deport Mr. Bridges?

(Testimony of William F. Hynes.)

Mr. Del Guercio: If your Honor please, I object to that on the same ground.

Presiding Inspector: I will take it.

A. No, I don't know whether the letters discussed the deportation of Harry Bridges.

By Mr. Gladstein:

Q. I want to show you a photostatic copy of an Exhibit which was introduced in evidence in the previous case—it was there Alien's Exhibit 58—and it purports to be a copy of a letter from you to Captain Keegan under date of September 12, 1938. Please examine that.

Mr. Del Guercio: If your Honor please, I object to any [3860] reference to the document. Because it was introduced in the last hearing doesn't give any—

Presiding Inspector: (Interposing) I think that was improper.

Mr. Gladstein: I beg your pardon?

Presiding Inspector: I think that was improper. We don't care whether it was introduced in some other case or not. That doesn't identify it.

Mr. Gladstein: That is for the purpose of identifying the document. It has that identification on the top of it.

Presiding Inspector: It can be identified in other ways than that.

Mr. Gladstein: If the witness can identify it, that will be sufficient.

Presiding Inspector: Why don't you have it marked for identification now, then show it to him?

(Testimony of William F. Hynes.)

Mr. Gladstein: I am willing to do that, your Honor.

Presiding Inspector: Strike out the offer at the present time.

Mr. Gladstein: It wasn't an offer.

Presiding Inspector: Well, strike out your identification of it.

Mr. Gladstein: Very well. Would you mark this?

Presiding Inspector: Have it marked for identification and show it to the witness, that is the proper way. Counsel [3861] for the Government is objecting to it. I wouldn't think it was very material how you identified it, myself, but I am not trying this case.

(The document referred to was marked Alien's Exhibit No. 18 for identification.)

By Mr. Gladstein:

Q. Now, do you want to look at it again, Mr. Hynes? I am showing you Alien's Exhibit No. 18 for identification.

A. (Examining document) Mr. Gladstein, is this a photostat of the Los Angeles Police Department?

Q. I would rather you just examined it.

Presiding Inspector: See whether you recognize it.

A. Yes, I recognize it as a letter I had written. It looks to me like a photostat of our Los Angeles Police Department. That is one of those documents I was talking about from the LaFollette Committee.

(Testimony of William F. Hynes.)

Presiding Inspector: No; this is a copy of such a document.

The Witness: It looks like it is a photostat, and it is one of our documents. I would like to know——

By Mr. Gladstein:

Q. (Interposing) Do you recognize it as a copy of a letter you sent?

A. I recognize as a copy of a letter I sent. I also recognize it as a photostat of a copy from our Police Department. I would like to know where you got it from? [3862]

Q. You put me on the stand and ask me.

A. I would like to——

Mr. Del Guercio: (Interposing) If the Court please——

Presiding Inspector: (Interposing) Just a moment. I will listen to Mr. Del Guercio.

Mr. Del Guercio: If the Court please, counsel has been permitted great latitude in making his charges, implications, and what-not. Now, one is made against him. The witness here has asked him where he got the original of that, and if the original of that was the Los Angeles Police Department property counsel should get on the stand here and testify under oath where he got that original, and how he got possession of it.

Presiding Inspector: This isn't the original.

Mr. Gladstein: It obviously isn't.

Mr. Del Guercio: A photostat of the original.

(Testimony of William F. Hynes.)

Presiding Inspector: Yes, but this has been in Court before.

Mr. Gladstein. This is a copy, your Honor.

Presiding Inspector: We don't care anything about that.

Mr. Gladstein: I can state very briefly—

Presiding Inspector: (Intervening) Oh, no.

Mr. Gladstein: Mr. Del Guercio asked for an explanation.

Mr. Del Guercio: Under oath, I asked for an explanation under oath. [3863]

Presiding Inspector: I don't care for it.

Mr. Gladstein: All right.

Presiding Inspector: I haven't been able to read this. There has been so much argument.

Mr. Del Guercio: I haven't even seen it.

Presiding Inspector: (Examining document) Now, what do you want to do? He says that he recalls writing this.

Mr. Gladstein: Then, I think there is a paragraph in there which shows that Mr. Hynes was—do you want to look at it again?

(Whereupon, document was handed to witness.)

Presiding Inspector: Perhaps, you can tell me this,—it is already in the record—if you can't, someone else can: When was the first warrant issued against Harry Bridges?

Mrs. King: If your Honor please, it was, I believe,—

(Testimony of William F. Hynes.)

Presiding Inspector: (Interposing) It was in Dean Landis' report almost at the start.

Mrs. King: Yes.

Presiding Inspector: I asked this question before, Mrs. King, and you reported——

Mrs. King: (Interposing) March 2, 1938.

Presiding Inspector: March.

Mrs. King: Was the original warrant of arrest.

Presiding Inspector: March 7th?

Mrs. King: March 2, 1938. [3864]

Mr. Gladstein: 1938.

Mrs. King: It was amended on June 12, 1939.

The Witness: Yes, I recognize this. There was another letter too from Mr. Keegan that I was referring to also.

By Mr. Gladstein:

Q. Well, now, in this letter, Alien's——

Oh, you want to see this?

(The document referred to was handed to

Mr. Del Guercio.)

Mr. Del Guercio: There has been shown to me a letter marked "confidential" and so far as I can see—the Court has read it also—there is nothing in here that has to do with anything at issue in this case.

Presiding Inspector: I don't know whether it has or not.

Mr. Gladstein: Well, I want to read your Honor just this portion, only this portion.

Presiding Inspector: I read it all.

(Testimony of William F. Hynes.)

Mr. Gladstein: Well, I want to read this into the record in view of the statement—

Presiding Inspector: (Interposing) You haven't offered it yet. Why do you read it until you offer it?

Mr. Gladstein: I will offer it in evidence.

Mr. Del Guercio: I will object.

Presiding Inspector: I will receive it.

(The document referred to was received in evidence and marked Alien's Exhibit No. 18.) [3865]

Mr. Grossman: May we be permitted to withdraw this and substitute a photostat?

Presiding Inspector: Substitute a photostat of the photostat?

Mr. Grossman: Yes.

Mr. Gladstein: So we can retain a copy.

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Now, do you know a man named William Shirley?

A. Yes, he is an ~~officer~~ that worked for me.

Q. And didn't you have Mr. Shirley—

Presiding Inspector: (Interposing) Now, just a moment. Before we go into this, who is this man Keegan?

Mr. Gladstein: All right, we will have that identification.

By Mr. Gladstein:

Q. Will you state who Captain John J. Keegan is?

(Testimony of William F. Hynes.)

A. I think he is Captain of Detectives of the Portland Police Department.

Q. Now, Mr. Shirley, you say was working for you?

A. He was a Police Officer, yes.

Q. Working under your charge?

A. Under my charge.

Q. During the year 1937?

A. Yes, sir. [3866]

Q. Did you not have Mr. Shirley cooperate with Mr. Stanley M. Doyle in an effort to obtain John L. Leech as a witness in the deportation case against Harry Bridges?

Mr. Del Guercio: Now, if your Honor please—

Presiding Inspector: (Interposing) What do you want this for?

Mr. Gladstein: To show the connection of the present witness with the efforts to obtain the deportation of Mr. Bridges, your Honor.

Presiding Inspector: Yes, but those were efforts of various Police Departments. They don't reflect upon the Government or the Department of Immigration and Naturalization.

Mr. Grossman: This is relevant to lay the basis, your Honor, for his failure to communicate with the Immigration and Naturalization Service. This alleged telephone call—

Presiding Inspector: (Interposing) Why don't you ask him that, then?

Mr. Grossman: We have to lay a basis that it would be reasonable to expect him to do that before we ask him whether he did do that.

(Testimony of William F. Hynes.)

Presiding Inspector: But you haven't got any communication with the Government at all in yet.

Mr. Gladstein: I have already asked him whether he ever communicated with him, discussed with Mr. Chase or with the Immigration Department that Mr. Chase should supply any [3867] information or whatever information he might have to them.

Presiding Inspector: He said he didn't.

Mr. Gladstein: He said he didn't. That is precisely the point.

Presiding Inspector: Yes.

Mr. Gladstein: All right. Now we want to show exactly what the relationship of Mr. Hynes was, however, at this time, to the question of the Bridges' case. It follows from that, your Honor, as Mr. Grossman has said——

Mr. Del Guercio: If your Honor please——

Mr. Gladstein: (Interposing) After counsel catch their breath I will continue.

Presiding Inspector: No, I think not. Now, when you have finished talking, both of you, I will say something. I don't see how that is material.

Mr. Gladstein: Your Honor, Mr. Hynes——

Presiding Inspector: (Interposing) If they employed him to give them information, if it was something that he naturally would give, the fact that he didn't give it might have some significance in relation to whether he had that information. Now, in that way I can see the relevancy, perhaps, of this, but you are getting into something in relation to communications within the departments of

(Testimony of William F. Hynes.)

the Police of the State of California and the State of Oregon.

Mr. Gladstein: That was the letter that was already in [3868] evidence.

Presiding Inspector: Yes. I don't know why that was admissible, but you wanted it so much. I let you have it.

Mr. Gladstein: But the question I am now asking concerning Mr. Hynes and an officer who was under Mr. Hynes's direction, according to his testimony, and a man named Stanley M. Doyle whose connection with the Bridges' case is discussed by Dean Landis in his report—

Presiding Inspector: (Interposing) Yes. He didn't testify, did he?

Mr. Gladstein: No, he didn't testify.

Presiding Inspector: No, we won't receive it. We don't know anything about Mr. Doyle.

Mr. Gladstein: Well, he didn't—

Presiding Inspector: (Interposing) Now, we can't re-try the Landis hearing.

Mr. Gladstein: We are not attempting to. I am simply trying to show what connection Mr. Hynes had with the effort of trying to obtain the deportation of Mr. Bridges. I think in view of what we can establish first through the letter that is already in evidence, and secondly through this other subject—and I only had this other one in mind—that his testimony concerning the testimony of Chase should be considered in the light of the connection that Mr. Hynes had with the case and the fact that, as

(Testimony of William F. Hynes.)

he has testified, he never told [3869] Chase to go to the Immigration Department and he never told the Immigration Department that Chase had any information for them on the Bridges' case.

Presiding Inspector: You got all that, haven't you?

Mr. Gladstein: Well, the latter part he has testified to, that is true.

Presiding Inspector: Yes.

Mr. Gladstein: But, I think, we are entitled to show what his relationship was.

Presiding Inspector: You may show that he did give any information to the Federal Investigators, if you wish, if he had any employment or anything of that kind.

Mr. Gladstein: All right, I will ask it.

Mr. Del Guercio: If your Honor please—

Presiding Inspector: (Interposing) It is very remote. People don't give every bit of information. They, perhaps, wouldn't think that was material; I don't know. That is something for the trier of the fact. It may be pertinent so far as evidence is concerned.

Mr. Del Guercio: But, as an aid to the Court in determining this matter, permit me to say now that these alleged matters which counsel is seeking now are matters that occurred prior to the last deportation hearing.

Presiding Inspector: Yes.

Mr. Del Guercio: There has been no evidence introduced [3870] here of this prior trial to show that

(Testimony of William F. Hynes.)

anybody—of course, we are permitted, and the Government would go to any source for any information—we don't question that or do we state that we don't go to any source, that we want to go to, but this case, this new case here, the evidence upon which we are proceeding in this hearing is the evidence that has been developed by the FBI.

Now, counsel, not even counsel here for the Alien would go so far as to say that there has been any employment by the FBI of Police officers or others or anybody else in investigating this case.

Presiding Inspector: I haven't any such—

Mr. Del Guercio: (Interposing) Now, why don't they come out and say that?

Presiding Inspector: There hasn't been any claim to the contrary so far.

Mr. Gladstein: There doesn't have to be any employment shown, your Honor. We don't go into that matter at all. There doesn't have to—

Mr. Del Guercio: (Interposing) They are going into the matters that occurred before the last deportation hearing. That isn't in issue in this case.

Presiding Inspector: I will take it.

Mr. Gladstein: Now, what is the last question?

(The question referred to was read by the reporter as follows: [3871])

“Q. Did you not have Mr. Shirley cooperate with Mr. Stanley M. Doyle in an effort to obtain John L. Leech as a witness in the deportation case against Harry Bridges?”

Presiding Inspector: Well, now, I don't see how

(Testimony of William F. Hynes.)

we can go to individuals. I said I would take it but I had forgotten that Mr. Leech and Mr. Doyle came into this matter. I don't see what they have to do with it.

Mr. Gladstein: Well, Mr. Leech—

Presiding Inspector: (Interposing) I don't even know who they are except for reading something about them in the Landis case.

Mr. Gladstein: Well, I can say this:—

Presiding Inspector: (Interposing) I know Mr. Doyle didn't testify.

Mr. Gladstein: No. We sought—

Presiding Inspector: (Interposing) There was some trouble about it.

Mr. Gladstein: He didn't respond.

Presiding Inspector: Well, he finally responded but there was some trouble about his fees.

Mr. Gladstein: He wouldn't testify when he responded finally.

Presiding Inspector: Not until he got some additional sum that he, perhaps was not entitled to.

Mr. Gladstein: When he got paid, your Honor, then he [3872] refused to answer questions.

Presiding Inspector: Yes, on advice of counsel and so on.

Mr. Gladstein: Yes, I know. That was Mr. Doyle. Then, Mr. Leech actually did testify at great length in the case.

Now, the affidavit—

Presiding Inspector: (Interposing) Was Leech an employee of the Department of Labor?

(Testimony of William F. Hynes.)

Mr. Gladstein: No; he was a witness in the case.

Presiding Inspector: Yes. Well, I don't believe we better go into that.

Mr. Gladstein: But Mr. Hynes made an affidavit in the last case which became a part of the evidence, in which he said, that is, Mr. Hynes said that he had received a letter from Stanley M. Doyle, and a copy of that letter was set forth in the affidavit of Mr. Hynes, and that affidavit, that letter made reference to Mr. Hynes—no, to William C. Shirley.

By Mr. Gladstein:

Q. By the way, was that his name, William C. Shirley? . . . Yes, sir.

Mr. Del Guercio: If your Honor please, here is counsel arguing and asking questions at the same time. I suppose he will be answering himself next.

Presiding Inspector: If he would be allowed to he [3873] probably would. I would if I were in his place.

Now, go on. I want to hear this.

Mr. Gladstein: And this letter from Mr. Doyle to Captain Hynes refers to the matter that William C. Shirley and Mr. Doyle investigated, and that reference, although there is no express mention of Leech, is in view of the context of the letter, the references made in it and the other testimony given in the previous Bridges' deportation case, a clear reference to Mr. John L. Leech, in addition to which, Mr. Doyle in the letter to Mr. Hynes stated that both he and Harper Knowles wanted to ex-

(Testimony of William F. Hynes.)

press their grateful thanks and appreciation for the courtesy received.

Mr. Del Guercio: Now, he is reading from the letter. I think you just prohibited him from reading.

Presiding Inspector: He shouldn't read the letter. Perhaps, you can show it to me. Do you want to introduce the letter?

Mr. Gladstein: I believe so, yes.

Presiding Inspector: (Examining document) I don't see that that is material at all; I don't see that this is material at all, but you haven't offered it yet, so I am——

Mr. Gladstein: (Interposing) Has it been offered for identification in this case?

Presiding Inspector: No, I think not.

Mr. Gladstein: Did I show it to Mr. Hynes?

Presiding Inspector: Yes, I think you did; I am not [3874] sure.

The Witness: Yesterday, I think, I saw it.

Mr. Gladstein: You better look at it for just a moment.

Mr. Del Guercio: Has the Court ruled it is immaterial?

Presiding Inspector: I just made a voluntary statement without any reason to do so.

By Mr. Gladstein:

Q. I show you what purports to be a photostat of an affidavit by you, Mr. Hynes, and ask you if you can identify it as such?

A. (Examining document) Yes.

(Testimony of William F. Hynes.)

Mr. Gladstein: This affidavit which has just been referred to in my last question should be marked for identification.

Would you be good enough to do that?

Presiding Inspector: Mr. Gladstein, aren't you trying to do something here, by referring to these letters which are really not at all—bringing in something which is really not at all pertinent to the matter of Mr. Chase?

Mr. Gladstein: No. I would answer that this way:—

Presiding Inspector: (Interposing) Aren't you attempting to show something in relation to the general investigation of the Bridges' case which is not in any way before us now?

Mr. Gladstein: No; I am now trying to establish that Mr. [3875] Chase did not tell—

Presiding Inspector: (Interposing) Well, he said he didn't. He said this man didn't tell the Government officials. Now, what more do you want?

Mr. Gladstein: Well, I want to establish that the reason that he didn't was either because Mr. Chase never made any statement to Mr. Hynes to the effect that Mr. Hynes has testified to the contrary, or that if he did make any such statement, that statement was not believed by Mr. Hynes and, therefore, not reported to the Immigration authorities.

Presiding Inspector: He might have thought it was not important enough to tell it and it might have slipped his mind.

(Testimony of William F. Hynes.)

Mr. Gladstein: I want to show, your Honor—

Presiding Inspector: (Interposing) It doesn't seem to me it was a very important matter in the work of the Police.

Mr. Gladstein: Well, that may well be.

Presiding Inspector: That, of course, has got to be determined ultimately if this question arises.

Mr. Gladstein: It is true that in the ordinary case of, let us say, the average Police Officer who has no special interest in Mr. Harry Bridges, what your Honor says is true, but we wish to show, and, I think, the letter which is in evidence plus the testimony given by Mr. Hynes plus this affidavit show that there was more than an ordinary interest dis- [3876] played and more than an ordinary scope of activity indulged in by Mr. Hynes with respect to the question of deporting Mr. Bridges and, therefore, in the light of those special circumstances the question of what he did or what he didn't do with this alleged information from Chase becomes important because, you see, it is our position, your Honor, that Mr. Hynes for a long time has been working together with Captain John J. Keegan and Mr. Harper Knowles and certain others to bring about the deportation of Mr. Bridges, and you must consider, in the light of those facts you must consider his testimony that he didn't communicate to the Immigration Department this alleged statement of Chase, because he communicated a lot of other things to the Immigration Department.

Presiding Inspector: As an answer to this, I

(Testimony of William F. Hynes.)

would say, or in explanation of this matter I would say that I can't help haivng in my mind some things that are in Dean Landis' report about Mr. Leech and the office in that city. It looks to me as though you were trying to get that into the present record.

Mr. Myron: I think that is very obvious, your Honor.

Mr. Gladstein: I am not interested in getting that into the record at this point; your Honor.

Presiding Inspector: Well, I think you should avoid the appearance of doing that at this time.

Now, if you want to ask this witness whether he was in- [3877] terested in helping the Naturalization and Immigration Department, whether he made reports to them; I will take that. I will let you have that.

Mr. Gladstein: All right, I will go into that.

Mr. Del Guercio: In answer——

Presiding Inspector: (Interposing) No, I don't think you need if you want to object on this you may object.

Mr. Del Guercio: I do object, your Honor.

By Mr. Gladstein:

Q. Mr. Hynes, did you ever give the Immigration and Naturalization Department information for the purpose of assisting or enabling that department to bring about a hearing against, or the deportation of Mr. Bridges?

Mr. Del Guercio: Your Honor, I object to that

(Testimony of William F. Hynes.)

question as being improper, immaterial and irrelevant.

Presiding Inspector: I will take it. It is on the basis that Mr. Gladstein stated, that he wants to show why there was some reason that he would naturally have told them about this report from Mr. Chase, and from his failure to make that report. Under those circumstances he seeks to draw or have the trier of the fact draw the inference that no such statement was made by Mr. Chase.

Mr. Del Guercio: Well, I have a confession to make then, your Honor. I have had a lot of witnesses here that have information, given me by the FBI, information against [3878] Bridges that I haven't produced here.

Presiding Inspector: Undoubtedly that is always so, but he says under the particular circumstances here he argues that if it had occurred it would have been reported. Now, I am going to let him show what his relations were with the department so as to form some judgment upon that matter. It may be that it never would have been reported, even if it would have occurred, we don't know. Let Mr. Gladstein try to establish this. Go ahead.

Mr. Gladstein: Do you want the question read to you, Mr. Hynes?

The Witness: I think I understand the general question.

I think—I don't know what time it came to my attention—I had knowledge of the fact that, I think,

(Testimony of William F. Hynes.)

Chase had made some sort of statement to the Immigration authorities. That was through talking to somebody in the Immigration Service, that he had made some statement. I don't recall just the date or when it was.

By Mr. Gladstein:

Q. No; I asked you, Mr. Hynes, whether you ever did. Now, this is——

A. (Interposing) Well——

Q. (Interposing) Just a minute.

Mr. Del Guercio: Is this an answer to your last question?

The Witness: It is an answer to the same question. [3879]

Mr. Del Guercio: Then, I suggest ~~the witness~~ be permitted to answer the question before another question is asked.

The Witness: It is in relation to why I didn't report it.

Mr. Gladstein: Just a moment. That has nothing to do with Mr. Chase as such, your Honor. I want simply the general question.

By Mr. Gladstein:

Q. Mr. Hynes, did you ever—this is without regard to Mr. Chase, regardless of him—in the years, let us say, of 1937 and 1938 did you ever at any time give information to the Immigration and Naturalization Department of the United States Government for——

Mr. Del Guercio: (Interposing) I object to the

(Testimony of William F. Hynes.)

question as improper and not material under the issues of this case.

Presiding Inspector: I think I will take it.

Mr. Gladstein: Let me finish the question, then.

By Mr. Gladstein:

Q. (Continuing) Of the United States Government for the purpose of assisting or enabling that department to have a hearing against, or bring about the deportation of Mr. Bridges?

Mr. Del Guercio: I object to it as being ambiguous. Which [3880] hearing? This hearing here or the last hearing?

Mr. Grossman: '37 and '38.

Mr. Gladstein: The question specifies it.

Mr. Del Guercio: What?

Presiding Inspector: He says that the question specifies it.

Mr. Grossman: It specifies '37 and '38.

Presiding Inspector: '37 and '38.

A. I recall discussing the case generally with Inspector Bonham in Seattle, when I was assisting the Dies Committee, generally as to witnesses, possibly witnesses and things like that that may be used. That was in Seattle when I was assisting the Dies Committee.

Presiding Inspector: When was that?

The Witness: That was in '37; I think it was in July of '37.

Mr. Gladstein: There were parts of the answer I couldn't hear. Could I have the reporter read it to me?

(Testimony of William F. Hynes.)

Presiding Inspector: Certainly; read the answer.

(The answer referred to was read by the reporter as above recorded.) [3881]

Mr. Gladstein: I think that is all, your Honor.

Presiding Inspector: You may examine.

Mr. Del Guercio: We are taken a little by surprise. May we have a recess now, your Honor?

Presiding Inspector: Yes; certainly.

(Whereupon a short recess was taken.)

Presiding Inspector: Now, Mr. Del Guercio; all right.

Mr. Gladstein, you know you didn't introduce any of that package of letters that were brought up, except the small one signed by Catherman?

Mr. Gladstein: Yes.

Presiding Inspector: I merely call that to your attention.

Mr. Del Guercio: If your Honor please, we are not going to take this as an opportunity to make a speech. There is no cross examination.

Presiding Inspector: You are excused.

Mr. Gladstein: Before you go, Mr. Hynes, can we have this understanding—

Mr. Del Guercio: Just a moment.

Presiding Inspector: This is in relation to those complimentary letters, that is, the so-called complimentary letters?

Mr. Gladstein: No, no.

You brought certain papers here, marked for

(Testimony of William F. Hynes.)

identification, which neither side has offered in evidence. As far as we are [3882] concerned you can take those back with you. You said you wanted them.

The Witness: Yes.

Mr. Gladstein: There is one memorandum which was introduced in evidence. You said you would like to have that back, of course?

The Witness: Yes.

Mr. Gladstein: Now, I would like this understanding: That the reporter, who has it, may have a photostat made of it and as soon as that is done may it be understood that the photostat can be substituted for the original? Then, if you will leave your address with the Court reporter would it be satisfactory for him to mail the original back to you?

The Witness: Yes.

Mr. Gladstein: One more thing. You promised, during the course of your examination, that you would send to Judge Sears the date of your leave of absence in 1934 and 1935. Will you be good enough to do that?

The Witness: Yes.

How about these other documents?

Mr. Gladstein: You may take those with you.

(Whereupon Alien's Exhibit No. 16 for identification was returned to the witness.)

Presiding Inspector: That is all.

(Witness excused.) [3883]

Presiding Inspector: Call your next witness.

Mr. Grossman: He is being called, your Honor.

Presiding Inspector: Stand up and raise your right hand.

CHARLES YOEMAN

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: Charles Yoeman—Y-o-e-m-a-n—
Merchant seaman.

Direct Examination

By Mr. Grossman:

Q. What is your address?

A. I have no permanent address. I am using my mother's address, 3282 1/2 Twentieth Street, Frisco.

Mr. Del Guercio: I didn't get the name.

Presiding Inspector: Charles Yoeman—merchant seaman, I understood him to say.

By Mr. Grossman:

Q. Are you a member of any union?

A. Marine Cooks and Stewards Association of the Pacific Coast.

Q. And you are now working? Are you, as a member of that union? A. I am. [3884]

Q. Did you ever live in Portland, Oregon?

A. On several different occasions.

Q. Did you live in Portland, Oregon, last year, 1940, at all? A. I did.

(Testimony of Charles Yoeman.)

Q. Were you married in 1940 to a woman named Margaret Nelson? A. I was.

Q. Do you know a man named Dick Lovelace? A. I did.

Q. Will you tell me when you first heard the name of Dick Lovelace?

A. Shortly after I married Margaret Nelson she told me that a former boy friend of hers was continuing to write letters to her and call her up and—

Mr. Del Guercio: (Interposing) That is not responsive to the question—what was the last question, if your Honor please?

Mr. Grossman: I think it is responsive.

Presiding Inspector: The answer was somewhat confused.

Mr. Grossman: Suppose I ask what the circumstances were?

By Mr. Grossman:

Q. What were the circumstances surrounding your hearing the name of Dick Lovelace for the first time?

Mr. Del Guercio: If your Honor please, I object to that. [3885]

Presiding Inspector: I don't suppose we need that. It was shortly after he married this woman.

Mr. Grossman: I want to know the circumstances. Otherwise there will be an objection that I am leading the witness.

Presiding Inspector: Yes.

(Testimony of Charles Yoeman.)

Mr. Grossman: That is why I am asking for the circumstances.

Presiding Inspector: From whom did you learn his name?

The Witness: From my wife.

By Mr. Grossman:

Q. What happened at that time? How did you learn it, what did she say about Dick Lovelace?

Mr. Del Guercio: I object to that as being immaterial to anything in this case. It calls for hearsay on a matter that, of course, we don't know what it is.

Presiding Inspector: We have a suspicion.

Mr. Del Guercio: Counsel knows, of course.

Presiding Inspector: We have heard something about this. Have you got the letters?

Mr. Grossman: I don't think we have to answer that question at this time.

Presiding Inspector: No, you don't; quite true.

In a general way, your wife mentioned the name and said that she was receiving communications from him, or something of that nature?

The Witness: That is right. [3886]

Mr. Del Guercio: I object to that.

Presiding Inspector: I will take it.

Mr. Del Guercio: This witness is offered apparently in support of the testimony of Mr. MacMickle—

Presiding Inspector: No, I don't—

Mr. Del Guercio: Continuing). —who was on the stand a few days ago.

(Testimony of Charles Yoeman.)

Presiding Inspector: I think, before we get through with this witness he will be a character witness. Isn't this a character witness?

Mr. Grossman: Not in the sense that you are using it. It does go to his character, but not as a character witness. It is definitely relevant. I can explain the entire thing, but I don't think it is necessary on preliminary questions. I think we are wasting a lot of time on questions that are obviously preliminary. I can explain it if you want to take the time for it.

Presiding Inspector: I think I understand it.

Mr. Grossman: I submit it is the usual way to get this testimony.

Presiding Inspector: I don't suppose what his wife told him is really competent.

Mr. Grossman: I think it is part of the circumstances because at the same time——

Presiding Inspector: We are not interested in those. [3887]

By Mr. Grossman:

Q. Did your wife show you any letters?

A. She did.

Q. At the time of this discussion? A. Yes.

Q. At that time what did she tell you about the letters, or anything?

Mr. Del Guercio: I object to that, your Honor, as not being material to any issue in this case.

Presiding Inspector: If it is merely from whom they came I will take it.

Mr. Grossman: That is sufficient.

(Testimony of Charles Yoeman.)

By Mr. Grossman:

Q. Did she tell you from whom they came?

A. Yes.

Q. From whom did she say they had come?

A. Dick Lovelace.

Q. How many letters did she show you this first time that she mentioned the name of Dick Lovelace?

A. The best I can recall, three or four.

Q. Did you read the letters? A. I did.

Q. At any future time were you given any other letters by your wife which purported to be from Dick Lovelace?

A. Yes; from that time on I received them.

[3888]

Q. When she gave you these letters, other letters, did she state they were from Dick Lovelace also? A. She did.

Q. Do you happen to know how she got these letters, whether they were delivered personally or in the mail, or what?

A. She received them in the mail addressed to her office that she was working at.

Q. Do you happen to know how often she received these letters?

A. At first it was pretty regular and then it dwindled down to about one a week; something like that.

Q. Did your wife state to you that she received communications in any other form except letters from Dick Lovelace at about that time?

(Testimony of Charles Yoeman.)

A. Yes. He used to call her at the office pretty often.

Q. Did she tell you that? A. Yes.

Q. Were his telephone conversations substantially the same as the contents of the letters?

Mr. Del Guercio: I will object to that, if your Honor please.

Presiding Inspector: Just a moment. Are you going to produce the letters?

Mr. Grossman: No.

Mr. Del Guercio: Where are the letters? [3889]

Presiding Inspector: I think we will find out what became of the letters first.

By Mr. Grossman:

Q. What became of the letters?

A. To the best of my knowledge my ex-wife still has them.

Mr. Del Guercio: If your Honor please, in view of that statement I think they should not have produced this man but should have produced his wife, or former wife, who has the letters.

Presiding Inspector: Perhaps he had a conversation with Mr. Lovelace about this, and this may be preliminary.

Mr. Myron: If the letters are available they are the best evidence. Certainly any conversation concerning the same are not admissible.

Presiding Inspector: They are not the best evidence of the conversation that he may have had with this man, Lovelace.

(Testimony of Charles Yoeman.)

Mr. Myron: About the letters which are available.

Mr. Grossman: First, there is no evidence at the present time that these letters are available; second, I don't think it is fair to distort the chronology of this presentation. When this witness has finished it will be clear why the letters and how the letters got where they are, and out of his possession, and the fact that they are not available, and so on.

This is also subject to a motion to strike if it is not tied [3890] up.

I prefer to follow this in a chronological way, and I assure you that there were conversations with Lovelace about them.

Mr. Myron: The statements of counsel are also objectionable.

Mr. Grossman: I think we should be allowed to proceed along a chronological line.

Presiding Inspector: You may do that, of course.

Without telling what the contents of the letters were I will allow you to ask whether his wife at the time told him that the conversations were on the same lines of the letters.

Mr. Grossman: All right.

By Mr. Grossman:

Q. Did your wife tell you whether the conversations over the telephone with Lovelace were substantially the same, rather, the statements of Love-

(Testimony of Charles Yoeman.)

lace over the telephone were substantially the same as the statements in the letters?

A. I think in most cases, yes.

Q. Do you recall any substantial differences—do you remember what the substantial differences were in any cases if there were any? A. Yes.

Q. Can you state what the differences were?

Mr. Myron: I object to that, Your Honor.

Presiding Inspector: I don't think that is very material. [3891]

Mr. Grossman: If your Honor please, I think it is going to appear, as soon as this story is complete, that the telephone conversations were material as were the contents of the letters. I recognize this is hearsay as to the telephone conversations. I think, considering the entire story and the connections and the proof of the story as it will appear, that it becomes, and generally ties up either with the doctrine of res gestae, or just as an exception to the hearsay rule, that we should be permitted to go into the substance of the telephone conversations even though, as I say, it is hearsay as to this witness.

Presiding Inspector: Why couldn't you produce the woman?

Mr. Grossman: We are not prepared at this time to do so. But I still think we should be permitted to go into this. I would like a ruling on it at this time.

Mr. Del Guercio: This is all on a collateral matter.

(Testimony of Charles Yoeman.)

Presiding Inspector: I understand that. Of course, the rule of secondary evidence don't apply with the same rigidity on a collateral matter.

Mr. Myron: Certainly the best evidence is available, apparently so, and if there is no explanation for its absence, it should be produced.

Mr. Grossman: The best evidence rule—

Presiding Inspector: The best evidence rule isn't strictly applicable on collateral matters. [3892]

Mr. Myron: I am talking about the contents of the letters. They are asking the witness to differentiate between conversations and the contents of the letters.

Mr. Grossman: I intend—

Presiding Inspector: We have already had in the record something of what is contained in the letters. I don't believe I would go any further in that respect.

Mr. Grossman: I was asking the question at this juncture about the telephone conversation.

Presiding Inspector: I think I will exclude that because you haven't shown that you cannot produce Mrs., the lady in question—I don't remember what the name is.

By Mr. Grossman:

Q. After reading some of these letters did you attempt to—withdraw that. Did you have a conversation with Dr. MacMickle about them?

A. I did.

Q. Will you describe the circumstances sur-

(Testimony of Charles Yoeman.)

rounding your conversation with Dr. MacMickle about these letters?

A. Well, I wanted Lovelace to stop writing and bothering my wife. I didn't care to take it to Court because the law becomes very messy. So I asked—she told me MacMickle was a personal friend of his. I went to him and asked him if he would be so good as to kindly see Lovelace and tell him, for his own interest, it would be better if he did stop bothering [3893] her through letters or otherwise.

Q. At the time you went to see Dr. MacMickle what did you believe as to the competency of Dick Lovelace?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: I will exclude that.

By Mr. Grossman:

Q. From reading the letters did you draw any conclusions as to the sanity or competence of, or the normalcy of Dick Lovelace?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: He can ask the rational or irrational character of the act of the writing of these letters. That I will take from a lay witness.

By Mr. Grossman:

Q. From reading the letters, and from the circumstances surrounding the writing or the receiving of the letters, did you form any opinion as to the rationality—

Presiding Inspector: —of the act of writing such letters? A. Yes.

(Testimony of Charles Yoeman.)

By Mr. Grossman:

Q. What conclusion did you reach?

A. That the man was screwy.

Q. Was that your state of mind when you went to see Dr. MacMickle? [3894]

A. It was.

Q. Did that influence what you told Dr. MacMickle?

A. It did.

Q. Did you have any discussion with Dr. MacMickle about the sanity, or competency, or rationality of Dick Lovelace?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: Didn't MacMickle testify to that?

Mr. Grossman: Yes. He testified to the general discussion with this man. I am not certain whether he testified to a specific discussion on this question or not. I don't recall. I don't think it makes any difference. It is a part of the general conversation and I think we are entitled to go into it for that reason.

Presiding Inspector: I will allow him to—MacMickle is gone, I suppose—I will allow him to state that he did express the view that he has expressed here to Dr. MacMickle.

That is all you want, isn't it?

Mr. Grossman: Yes.

Presiding Inspector: Did you express the same view that you have expressed here to Dr. MacMickle about his conduct, I mean, in respect to his being what you called "screwy"?

(Testimony of Charles Yoeman.)

The Witness: Well, I didn't really draw that conclusion, just partly, until he told me he had been shell-shocked and it gave me the reason for believing the man might really be [3895] that way.

By Mr. Grossman:

Q. Did Dr. MacMickle make any statement as to whether Dick Lovelace was rational or mentally normal?

A. He told me at that time that he definitely wasn't.

Q. Was not normal? A. Yes.

Q. Do you remember what he said in that respect at that time?

Presiding Inspector: Give your best recollection; not the words, unless you can give them.

A. He said that he would appreciate it, if I am not mistaken, being a friend of his, that he would talk to him and try to get him to stop writing these letters because he didn't want to see him get into any trouble.

By Mr. Grossman:

Q. Did he say any more with respect to the mental condition of Dick Lovelace, any more than you have stated?

A. That he wasn't responsible for things that he wrote or said because he wasn't thinking clear, or words to that effect. I don't know exactly what they were.

Q. Did he suggest that you do anything with respect to these letters, or with respect to Dick Lovelace?

(Testimony of Charles Yoeman.)

A. He referred me to the United States Veterans—whoever it is that gives the money, the checks to the Veterans of the [3896] World War. I forget who it was.

Q. Did you shortly after that go to see the man who was, to whom you were referred by him?

A. I did.

Q. Do you recall that man's name?

A. No, I don't.

Q. Do you remember where his office was?

A. Yes. It is in the county courthouse at Portland.

Q. And did you have a conversation with that man? A. Yes, I did.

Q. What was the substance of that conversation?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: That is pretty far afield, but it is just the history of it.

Mr. Grossman: Correct.

Presiding Inspector: I will allow it.

Mr. Grossman: It is the history of what he did in connection with the letters.

Presiding Inspector: I will take it.

A. I showed him the letters, told him what the trouble was, and asked him if there was any way he could see this Lovelace and talk to him to try to get him straightened out.

He said that the only way that he could act upon it, being the man had been in the hospital several times before, was for me to swear out a warrant

(Testimony of Charles Yoeman.)

for his arrest and after that then the [3897] proper authorities would handle him.

By Mr. Grossman:

Q. Was there anything more in the conversation between you and him at that time?

A. I believe he was the one that referred me to the Postal authorities, but I am not sure.

Q. Did you subsequently go to the Postal authorities?

A. Not for a period of time. I imagine it was about three weeks; something like that.

Q. And which of the Postal authorities did you speak to, if any?

A. I don't remember his name, but he was a Postal Inspector, United States Postal Inspector, if I am not mistaken, in the old Post Office Building in Portland?

Q. Did you show him the letters?

A. I did.

Q. What was the conversation between you and him—

Mr. Myron: (Interposing) I object to this, your Honor.

By Mr. Grossman:

Q. (Continuing) —with respect to the letters?

Presiding Inspector: It is part of the history and has no other value.

A. He said that there was nothing that he could do unless I would swear out a warrant for

(Testimony of Charles Yoeman.)

his arrest to these letters, because there wasn't quite enough in them to be a violation of [3898] the mailing laws.

By Mr. Grossman:

Q. Subsequent to this did you see Dick Lovelace? A. I did.

Q. How did you happen to go to see—excuse me—did you go to see Dick Lovelace?

A. I did.

Q. How did you happen to go to see Dick Lovelace?

A. Well, he was still writing letters, making calls, and I still wanted him to stop, so I went up to where he lived the first time.

Q. What happened?

A. Well, his wife answered the door, and she called him to the door, and he came to the door and I told him who I was and asked him to step outside, that I would like to speak to him.

He immediately slammed the door and ran back into the house.

I think it was about a day after that, or two days, that I went back out there to try to see him.

In the meanwhile he had called my wife, at that time, up again.

I got there just as he was coming home from the grocery store. I told him that I was married to the young lady; that I couldn't understand how he could feel the way he did, and he [3899] would have to stop molesting her and pestering her in any way.

He said he didn't believe until then that she was

(Testimony of Charles Yoeman.)

really married, and he promised very faithfully that he would cease all correspondence with her.

Q. Is that the last time you ever saw him?

A. It was.

Q. About how many letters all told did you see that Dick Lovelace had written your wife?

A. I would say around ten or twelve; I don't remember exactly.

Q. How did these letters—withdraw that. Are these letters now out of your possession?

A. They are.

Q. How did they get out of your possession?

Mr. Myron: Now, apparently, your Honor, they were never in his possession.

By Mr. Grossman:

Q. Were these letters ever in your possession?

A. Yes.

Q. Until when, approximately?

A. Oh, approximately the 15th of May.

Presiding Inspector: When?

The Witness: Last year.

By Mr. Grossman:

Q. How did they get out of your possession?

[3900]

A. I gave them to a friend of mine to hold for me.

Q. Do you know what he did with them?

A. He gave them back to my ex-wife.

Q. You are not married to your wife?

A. No.

(Testimony of Charles Yoeman.)

Q. When were you divorced from her?

A. September 13, 1940.

Q. Did she ever refuse to give you those letters back? A. She did.

Mr. Del Guercio: There is no evidence here that he knows that his wife, or ex-wife, has those letters.

Mr. Grossman: We don't know whether she has or not.

Mr. Del Guercio: Then how can she refuse to give them back?

Mr. Myron: Weren't the letters written to his wife?

Presiding Inspector: Yes.

Mr. Myron: I don't know what right he would have to them.

By Mr. Grossman:

Q. Did she ever tell you whether the letters were in existence or not after they were given to her?

A. She told me she destroyed them.

Q. When did she tell you that, approximately?

A. On the 17th or 18th of August, '40.

Q. Of 1940? A. Yes. [3901]

Q. Have you ever been convicted of any crime?

A. I have.

Q. Would you give us—withdraw that. When was the first time that you were convicted of any crime, and what was the nature of the crime?

A. It was in 1935.

Q. Where was it? A. Portland.

Q. What was the crime?

(Testimony of Charles Yoëman.)

A. Petty larceny.

Q. Were you^a given any sentence?

A. Yes.

Q. What was the sentence? A. A year.

Q. Where was the year to be spent?

A. On the rock pile.

Q. In the County or State Jail?

A. County Jail.

Q. Were there any other convictions or arrests?

A. Just one.

Q. Where was that? A. Los Angeles.

Q. What was the charge? A. Vag.

Q. What was the date? [3902]

A. In the latter part of September.

Q. What year? A. '39.

Q. What was the sentence, if any, in this case?

A. The sentence was six months; five months and ten days were suspended, and two years probation, and that I would stay out of the County of Los Angeles.

Q. Did you serve any time? A. Ten days.

Q. The rest was suspended? A. Pardon?

Q. And the rest was suspended?

A. Right.

Q. Have you ever been convicted of anything else? A. No; never been arrested.

Q. Are you a citizen? A. I am.

Q. By birth? A. Right.

Mr. Grossman: That is all.

Presiding Inspector: Cross examination?

(Testimony of Charles Yoeman.)

Cross Examination

By Mr. Del Guercio:

Q. Where were you married?

A. St. Helens, Oregon. [3903]

Q. When? A. February 23 or 24, 1940.

Q. 19— What? A. 1940.

Q. That is your present wife?

A. That is my last wife, ex-wife.

Q. How many times have you been married?

A. Twice.

Q. You hesitated. Is there some question about how many times you have been married?

A. No sir; no question.

Q. When was the first time you were married?

A. 1934.

Q. 1934? A. Uh-huh.

Q. What month was that? A. August.

Q. August what? A. I don't remember.

Q. Where were you married?

A. In Vancouver, Washington.

Q. To whom? A. A girl.

Q. A girl? A. Yes.

Q. You are sure about that? [3905]

A. Definitely.

Q. What was her name?

Mr. Grossman: I think that is incompetent, irrelevant and immaterial.

Mr. Del Guercio: In view of the answer—

Presiding Inspector: You mean the answer he made?

Mr. Grossman: No; the next question.

(Testimony of Charles Yoeman.)

Presiding Inspector: I think I will take it.

By Mr. Del Guercio:

Q. What was her name?

A. Catherine Yates.

Q. Did that marriage terminate?

A. It did.

Q. How? A. She divorced me.

Q. She sued you for divorce? A. She did.

Q. On what grounds?

Mr. Grossman: I am going to object to that as incompetent, irrelevant and immaterial.

Presiding Inspector: Yes.

Mr. Del Guercio: I don't think so. It goes to the character of this witness, your Honor.

Presiding Inspector: I don't think so.

Mr. Grossman: We can take judicial notice of the [3906] practice of obtaining divorces.

Presiding Inspector: Divorces, I don't think—

Mr. Del Guercio: (Interposing) It is a public record, your Honor.

Presiding Inspector: I know. It isn't a commission of a crime, you know.

By Mr. Del Guercio:

Q. When did she divorce you? A. When?

Q. Yes. A. I think it was 1936.

Q. 1936?

A. Yes—no, wait a minute. It was either the latter part of 1936 or the first part of 1937.

Q. And when were you married again?

A. February 23 or 24, 1940.

(Testimony of Charles Yoeman.)

Q. February '34?

A. I said February 23 or 24, 1940.

Q. 1940? A. Yes.

Q. And you have never been married more than twice? A. Not to my knowledge.

Presiding Inspector: Why don't you ask him if he had been married at other times whether he thinks he would remember it? [3907]

By Mr. Del Guercio:

Q. Were you married to Catherine Yates at the time of these alleged letters that you say your wife received from Dick Lovelace?

A. No. That was a different wife?

Q. That was a different wife?

A. Yes.

Q. What wife was that?

A. Which one?

Presiding Inspector: I think he is confused about this.

By Mr. Del Guercio:

Q. Let me ask you this question again: When were you married the last time?

A. February 23 or 24—I might be mistaken on the date—but approximately in there,—1940.

Q. 1940? A. Yes.

Q. And you were divorced from your first wife when?

A. I am not quite clear just when that divorce was granted to her. I know she filed it while I was in jail. But it was granted at a later date. I believe it was the latter part of 1936 or the first part of 1937.

(Testimony of Charles Yoeman.)

Q. Have you ever seen her since the decree of divorce? A. Once, yes.

Q. Where did you see her?

A. I saw her in a little town called Chickasha, Oklahoma. [3908]

Q. Is that where the divorce was granted?

A. Yes, it was.

Q. Was the divorce action instituted in the State of Oregon?

A. No; it was instituted in Oklahoma.

Q. You say you have no fixed place of residence at the present time?

A. I am a merchant seaman.

Q. On what ship are you employed?

A. The SS Alvarado, Moore Wood and Lumber Company.

Q. Aldorado? A. Alvarado.

Q. Alvarado. Do you know the name of the company that owns that boat?

A. Here in Frisco it is Moore Steamship Company.

Q. Moore.

A. In Bandon and Marshfield it is the Moore Mill and Lumber Company.

Q. And how long have you been employed on that ship?

A. I caught her in Bandon, Oregon, last Thursday.

Q. Since last Thursday?

A. I caught her last Thursday, yes.

Q. What were you doing before that?

(Testimony of Charles Yoeman.)

A. I was preparing to go to Alaska.

Q. Preparing to go? [3909] A. Yes, sir.

Q. Well, where were you before you were preparing to go to Alaska? A. In Portland.

Q. In Portland? A. Yes, sir.

Q. What were you doing there?

A. I was doing what was called laying on the beach.

Q. Literally or—

A. Perhaps I can explain it to his Honor.

Presiding Inspector: That is a seaman's phrase.

By Mr. Del Guercio:

Q. How long were you gone?

A. I returned from China in February.

Q. You returned from China February what?

A. That is right.

Q. February what?

A. Well, I paid off the SS Colbrook February 17, at Portland, Oregon.

Q. What year? A. 1941.

Q. 1941? A. Yes.

Q. What was the name of that ship?

A. Colbrook, C-o-l-b-r-o-o-k. [3910]

Q. And you were discharged where?

A. Portland, Oregon.

Q. Then, from February 17, 1941, to the time that you were preparing to go to Alaska you were unemployed? A. Not all the time.

Q. Well, were you employed during that period of time? A. I did occasional work.

Q. With whom?

(Testimony of Charles Yoeman.)

A. Longshoring, warehousing.

Q. Warehousemen?

A. Warehousing and longshoring.

Q. Where? A. In Portland.

Q. Portland, Oregon? A. Uh huh.

Q. Now, before you went to China on the SS Colbrook where did you sign on the ship?

A. On the Colbrook?

Q. On the Colbrook.

A. In Portland, Oregon. Just a minute, and I can tell you. (Examining documents) October 29, 1940.

Q. Do you have your seamen's discharge book?

A. I don't carry a Fink book; I carry papers.

Q. What?

A. I have my seamen's papers.

Q. May I see them? [3911]

A. Certainly. (Handing documents to Mr. Del Guercio). Don't run off with that.

Q. What?

Presiding Inspector: He will let you have them back.

Mr. Del Guercio: Oh, yes, of course.

Presiding Inspector: They are important to him, of course.

By Mr. Del Guercio:

Q. Now, you have here a seaman's certificate of identification dated at Los Angeles, California, on November 8, 1937, giving your address at 660 Spruce Street, Berkeley, California.

(Testimony of Charles Yoeman.)

A. That is right.

Q. Were you residing at that address at that time?

A. My mother was the housekeeper for the people who lived there.

Q. Well, were you living there?

A. No, sir.

Q. Have you ever lived at that address?

A. No, sir.

Q. Now, when you made application to the Shipping Commissioner for this seaman's certificate—

A. (Interposing): The only address—

Q. (Interposing): Did you make your application under oath? [3912]

A. Oh, absolutely.

Q. And you gave this address, 660 Spruce Street, Berkeley, California, as being your place of residence?

A. It was my place of residence; that was my mailing address.

Q. But you never lived there? A. Never.

Q. Now, where were you born?

A. Portland, Oregon.

Q. In what year? A. 1916.

Q. What month? A. February.

Q. February what? A. 24th.

Q. Do you have a birth certificate?

A. Right in there (indicating).

Q. (Examining documents.)

A. That is it.

(Testimony of Charles Yoeman.)

Q. This seaman's certificate is numbered B-91532; is that correct? A. I can't see it.

Q. (Handing document to the witness.)

A. (Examining document): That is correct. That is the life boat ticket; it isn't a seaman's certificate. [3913]

Q. That is what?

A. That is a life boat ticket there.

Presiding Inspector: A life boat ticket. It isn't a seaman's.

Mr. Del Guercio: I thought I saw it on the seaman's—

The Witness (Interposing): It is with that. That is a different number.

Mr. Del Guercio: Z-1676.

The Witness: Yes.

By Mr. Del Guercio:

Q. Now, what were you doing before you signed on the Colbrook?

A. Laying on the beach.

Q. What?

A. I was laying on the beach.

Q. For how long a period?

A. I come back from Alaska August the 15th.

Q. August the 15th? A. Yes.

Q. What year? A. 1940.

Q. 1940? A. Yes.

Q. And on what ship?

A. On the SS W. L. Thompson. [3914]

Q. W. L. Thompson. Now, when did you sign on the W. L. Thompson?

(Testimony of Charles Yoeman.)

A. On June the 1st, 1940.

Q. June 1, 1940. Where?

A. Astoria, Oregon.

Q. Astoria, Oregon. Were you continuously employed on the W. L. Thompson from June 1, 1940, to August 15, 1940?

A. I was.

Q. How many voyages did the W. L. Thompson make from June 1, 1940, to August 15, 1940, if it made more than one?

A. That is a fishing vessel. She goes up there and lays in the Bering Sea for two and a half months. She doesn't make any voyages.

Q. Well, now, from June 1, 1940 until your discharge on August 15, 1940, you were continuously on that ship?

A. That is right.

Q. Was there a time in between that you were laying on the beach again?

A. Yes, sir, there was.

Q. And what was the ship which you were on?

A. I come back from S. A. on the intercoastal run, on the Forbes-Hauptmann. I paid off in Portland, Oregon, on January the 29th, 1940.

Q. That was on what ship?

A. Forbes-Hauptmann. [3915]

Q. Forbes-Hauptmann. And when did you sign on that vessel?

A. (Examining documents): October the 3rd, 1939.

Q. October 3, 1939?

A. That is right.

Q. Now, were you continuously employed on the

(Testimony of Charles Yoeman.)

Forbes-Hauptmann from October 3, 1939 until the time of your discharge on January 29, 1940?

A. I was.

Q. You say that vessel was engaged in the coast-wise trade? A. The Infercoastal trade.

Q. Between what points?

A. Well, she made Seattle, Fort Gamble, Frisco, Pedro, Marquesas, Ponce and San Juan.

Q. Did you have any shore leave at any time between October 3, 1939 and June 29, 1940?

A. Huh! Once in a while.

Q. What? A. Once in a while.

Q. At every port? A. No, no.

Q. Did it ever touch at Portland?

A. Beg pardon?

Q. Did that vessel ever touch at Portland?

[3916]

A. I told you before that is where I paid off.

Q. Well, did it touch at Portland at any time other than the time you were paid off?

A. Yes.

Q. How many times?

A. Once, twice; twice.

Q. When was the first time that it touched at Portland? A. I can't remember that.

Q. Signed on there October 3, 1939?

A. Well, I got the discharges here. I can—

Q. (Interposing): Well, can you look at the discharge?

A. And tell when she hit Portland?

Q. Yes. A. No.

(Testimony of Charles Yoeman.)

Q. Can you tell—

Presiding Inspector (Interposing): It doesn't show all the ports.

The Witness: Just signed on and paid off.

By Mr. Del Guercio:

Q. Can you tell me the approximate time it touched Portland after you signed on October 3, 1939?

A. I am not—I don't clearly remember but I believe it did. I don't clearly remember, though.

Q. You can't clearly remember what?

A. Whether it hit Portland or not. [3917]

Q. During any time between October 3, 1939?

A. Yes, it did hit Portland coming south, I know, but whether she hit Portland on the loop going north or not I can't remember.

Q. Then, your testimony is that she may only have hit Portland once?

A. Once until I paid off of her, yes, sir.

Q. Until you were paid off? A. Yes.

Q. How long did you remain ashore when you hit Portland that one time?

A. Well, you see, on a ship you work out your relief with whoever you are working with.

Q. Yes.

A. Now, one port you might go ashore and be off the whole day or a day and a half or two days.

Q. Well, what did you have? Did you have more than one day off? A. I believe I did.

Q. Well, you are not sure? It might have been less than one day?

(Testimony of Charles Yoeman.)

A. No, not in my home port; I would take more. I would take a day off.

Q. Would you have any record of that?

A. Not very well. [3918]

Q. The ship's log would, though? A. No.

Q. What? A. No, no, sir.

Q. Wouldn't the Master have a record of it?

A. No, sir.

Q. Who gives you shore leave?

A. The Chief Steward.

Q. You make a request of the Chief Steward?

A. That is right.

Q. And he permits you to go ashore?

A. That is right, if it is possible.

Q. What? A. If it is possible.

Q. Well, could the Chief Steward give you more than a day off?

A. Well, that is possible, but improbable.

Q. What?

Presiding Inspector: Possible but improbable.

By Mr. Del Guercio:

Q. Possible but improbable. So, then, it is improbable that you got a day off, is that it?

A. Oh, no. You see I might go all the way down the east coast and not have a day off, New York, Baltimore, Newport News, Philadelphia. The other fellows would take the days off. Then, [3919] when the ship got into my home port, whichever I want to designate as it, they will cover up for me while I go ashore and have my time off.

(Testimony of Charles Yoeman.)

Q. What port do you designate as your home port? A. Usually Portland.

Q. Not always? A. Not always.

Q. You have designated other ports?

A. Uh huh.

Q. Which other ports? A. Frisco.

Q. Frisco? A. Yes, sir.

Q. Now, how long were you unemployed prior to October 3, 1939, before you signed on the Forbes-Hauptmann?

A. (Examining documents): I got off the Timber Rush September 11, 1939.

Q. September 11, 1939. I didn't get the name.

A. The Timber Rush, T-i-m-b-e-r R-u-s-h.

Q. At what city? A. In San Francisco.

Q. At San Francisco. Where did you sign on that vessel?

A. I signed on her May the 20th, 1939, Portland, Oregon.

Q. Is that engaged in the intercoastal trade?

A. It was. I think they sold her to the British. I don't [3920] know where she is now.

Q. Were you continuously employed on that vessel from May 20, 1939 to September 11, 1939?

A. I was.

Q. Did you get any shore leave at any time between those periods? A. Oh, yes.

Q. Where, at what ports?

A. Oh, I remember distinctly the Fourth of July in New York.

(Testimony of Charles Yoeman.)

Q. July in New York? A. Yes, uh huh.

Presiding Inspector: The Fourth of July.

By Mr. Del Guercio:

Q. Any other ports?

A. I had the fifth of July off in New York City also.

Q. Not the Fourth?

Presiding Inspector: "Also", he said. He dropped his voice.

By Mr. Del Guercio:

Q. Did you have shore leave at any ports between the period from May 20, 1939, to September 11, 1939?

A. Yes, I had—well, you see, on any trip in the Steward's Department from 6:00 o'clock in the evening until 6:00 o'clock the following morning you are on your own time. [3921] Those are not your working hours; you are free to go ashore without—in an American port without the permission of the Captain or anyone else; at least, it has never been questioned.

Q. Is that also the case on vessels engaged in foreign trade? A. Not in foreign trade.

Q. What?

A. The Master can restrict shore leave at any time in foreign trade, in foreign ports.

Q. Can the Master tell you, give you permission to get off the ship at any time on a vessel—

A. (Interposing): I don't quite clearly understand you.

(Testimony of Charles Yoeman.)

Q. Can the Master tell you, give you permission to get off the ship at any time at any United States port coming from a foreign port, when the vessel is coming from a foreign port?

A. I don't quite understand his question.

Q. Well, never mind. What is your designation on the vessels? What kind of work do you do?

A. I am a cook, waiter, messman, galleyman.

Q. Anything else?

A. Bedroom steward; that is enough, I think.

Q. You have never been a seaman, have you, signed on as able seaman? A. No, sir.

Q. What? A. No, sir. [3922]

Mr. Del Guercio: Do you want to continue? I don't believe we will be able to get through.

Presiding Inspector: Can't you finish with him?

Mr. Del Guercio: No.

Presiding Inspector: Tomorrow morning at ten o'clock.

(Whereupon, at 4:20 o'clock P.M. an adjournment was taken until Thursday, May 15, 1941, at 10:00 o'clock A. M.) [3923]

Court Room 276,
Federal Building,
San Francisco, California,
May 15, 1941

Met, Pursuant to adjournment, at 10:00 A. M.

[3924]

Proceedings

Presiding Inspector: We will proceed with the hearing. Mr. Del Guercio?

CHARLES YEOMAN

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Cross Examination

(Resumed)

By Mr. Del Guercio:

Q. How do you spell your name?

A. Y-e-o-m-a-n.

Q. I believe you testified yesterday that you were married twice? A. That is right.

Q. Will you give again the date of your second marriage?

A. It was either February 23 or 24, right in there, 1940, St. Helens, Oregon.

Q. How long did you live with your second wife?

Mr. Grossman: May I have the question, please?

(The question referred to was read by the reporter as above recorded.)

A. From that date until May 20.

By Mr. Del Guercio:

Q. May 20? A. Approximately May 20.

Q. What happened on May 20, 1940? [3925]

A. I came to 'Frisco.

Q. You came to 'Frisco? A. Yes.

Q. Did you separate from your wife?

(Testimony of Charles Yoeman.)

A. That was a tentative agreement between her and I at that time that we would separate.

Q. You are divorced from your second wife?

A. I am.

Q. Who instituted the divorce proceedings?

A. She did.

Q. Did you contest it? A. No.

Q. Where were the divorce proceedings instituted?

A. Multnomah County, Portland, Oregon.

Q. Now, these letters that you talked about, how did they come into your possession?

A. She gave them to me.

Q. When did she give them to you?

A. Not long after we were married.

Q. You mean sometime after February 23, or 24, 1940? A. That is right.

Q. How long after that?

A. I don't remember just how long after that it was.

Q. Was it a week?

A. If I am not mistaken she gave me what letters she had received quite shortly after we were married. [3926]

Q. "Shortly." By shortly, what do you mean now? Do you mean less than a week?

A. It might have been a couple of days, it might have been a week.

Q. Not more than a week?

A. It might have been; I don't believe it was.

Q. Could it have been more than two weeks?

(Testimony of Charles Yoeman.)

A. I don't think so.

Q. Now, were these letters in envelopes?

A. The letters were in envelopes.

Q. How many letters did your wife give you?

A. At that time?

Q. Yes. A. Approximately four or five.

Q. Now, had you asked for them?

A. When she gave them to me—

Q. (Interposing): Or did she just give them to you?

A. When she gave them to me, I think, it was mutually agreed at that time between her and I when she gave me the letters that I would try to stop him from corresponding with her either by telephone or by writing.

Q. Now, you say you went to Mr. MacMickle about when? A. (No response.)

Q. May 15th, I believe, you testified yesterday, 1940; is that correct?

A. I believe it was around there., [3927]

Q. Then that is the first time you went to Mr. MacMickle? A. Beg pardon?

Q. Had you known Mr. MacMickle prior to that time? A. I had not.

Q. Never met him? A. Never had.

Q. Did you become very friendly with Mr. MacMickle after you met him?

A. We had, perhaps, an hour's discussion in his office.

Q. An hour's discussion. Were you alone?

(Testimony of Charles Yoeman.)

A. No; I had a friend with me.

Q. You had a friend with you. Were you ever alone with Mr. MacMickle?

A. I was not.

Q. At any time after that? A. No.

Q. And is that the first time you took any action on the letters? A. Yes, it was.

Q. You didn't correspond, or talk to Mr. Lovelace from the time you got the letters up until the time you saw Mr. MacMickle?

A. I never talked to Lovelace until after I had saw MacMickle. [3928]

Q. How many times did you see Mr. MacMickle?

A. One time.

Q. And that was when?

A. That was around—well, I am not sure of the date, just when it was.

Q. Well, it was in May, wasn't it, sometime?

A. It might have been in May; it might have been in March.

Q. Well, now, you testified yesterday it was in May. Do you want to change your testimony?

A. No; I would like for you to read that, though, if I did.

Q. These letters that you say your wife gave you shortly after you were married, were they written before your marriage to her?

A. There was a couple of them that were.

Q. And the others, when were they written?

A. After we were married.

Q. After you were married? A. Yes.

(Testimony of Charles Yoeman.)

Q. How long afterward?

A. I don't remember the exact dates, but she had received some letters prior to our marriage from Lovelace and she concealed them from me until after we were married. Then she continued to receive these letters; how long and how [3929] many I can't really remember.

Q. You say you got about four letters shortly after you were married? Did you get more later?

A. More letters came later; yes.

Q. Did you get them?

A. Yes; she gave them to me.

Q. She gave them to you how long afterwards?

A. I believe—that question is kind of hard to remember—I believe they came about one a week.

Q. One a week? A. Yes.

Q. Did that continue during the time you were married?

A. That continued up until the time I saw Lovelace.

Q. Were you living at home at the time these last letters came?

A. We had an apartment.

Q. What?

A. We had an apartment; we were living together.

Q. You were out to sea part of the time, weren't you? A. Fifteen days, I believe.

Q. Now, what was the name of your friend that went with you to see Mr. MacMickle?

A. Melvin Graven—G-r-a-v-o-n.

(Testimony of Charles Yoeman.)

Q. And tell us what happened, what did you say to Mr. MacMickle? [3930]

A. My wife had told me that MacMickle was a very good friend of Lovelace's, so we went up to see him, Mr. Graven and I.

Q. What did you tell him?

A. I introduced myself, told him who I was, and told him that this man continued to write letters to my wife, and that he also owed her some money.

Q. He also what?

A. Owed her some money.

Q. Owed your wife some money? A. Yes.

Q. Did you show Mr. MacMickle the letters?

A. I did.

Q. Did he ask you to show them to him?

A. I don't remember whether he asked me or not.

Q. You showed him the letters?

A. I showed him the letters.

Q. You had never seen him before that time?

A. Mr. MacMickle?

Q. Yes. A. No.

Mr. Grossman: I am going to object to this. Obviously this witness hasn't indicated he had any way of knowing whether Dr. MacMickle had seen the letters before.

Presiding Inspector: I don't see what that adds. [3931]

Mr. Del Guereio: It will be brought out later, if your Honor please. I have a purpose.

Presiding Inspector: Very well. I will take it, although we have been along that line.

(Testimony of Charles Yoeman.)

Mr. Grossman: If Dr. MacMickle mentioned it I have no objection, but asking it without such a basis being laid I think it is improper.

By Mr. Del Guercio:

Q. Did you tell Mr. MacMickle you were going to kill Lovelace?

A. I certainly didn't.

Q. Did you tell Mr. MacMickle if he didn't do something you would do something very violent?

A. I certainly didn't.

Q. You are sure about that?

Presiding Inspector: He has testified to it. It don't add anything to ask whether he is sure about it, when there is no question about it and he has answered.

That is with the purpose of expedition merely.

By Mr. Del Guercio:

Q. I believe you testified that Mr. MacMickle suggested that you go to see somebody in the U. S. Veterans Bureau?

A. He did.

Q. Did he give you the name of the person he wanted you to see? [3932]

A. He did.

Q. What was his name?

A. I don't remember.

Q. Did Mr. MacMickle suggest that you see any authorities, civil authorities?

A. No, he didn't.

Q. And I believe you testified that you did go to see someone in the Veterans Department in the courthouse building in Portland?

A. I went to the proper authorities. First, I

(Testimony of Charles Yoeman.)

went to the new post office building, and the Post Office Inspector there, if I am not mistaken, he referred me down to the old Government building, down at Third and Gleason, I think *is it*, so I went down there.

Q. And that is the Postal Inspector you saw?

A. Yes, it was.

Q. Did you show him the letters? A. I did.

Q. What did he tell you?

A. He told me that there wasn't quite enough contained in the letters which could be constituted as a violation of the mail code for the Government to prosecute on its own behalf; that I would have to prefer charges against him.

Q. Did you prefer any charges against Lovelace? A. I did not. [3933]

Q. Now, you have testified also that your wife got possession of the letters. A. She did.

Q. Later? A. Yes, sir.

Q. How did she get possession of them?

A. This Melvin Graven gave them back to her.

Q. What?

A. A friend of mine gave them back to her.

Q. Did you give them to a friend of yours?

A. Uh-huh.

Q. To this same Graven? A. Graven.

Q. When did you give them to him?

A. I don't remember the exact date.

Q. About? A. Beg your pardon?

Q. About when?

A. I believe it was around the first part of May.

(Testimony of Charles Yoeman.)

Q. The first part of May? A. Yes, sir.

Q. Did you give them to him before you went to see MacMickle? A. No.

Q. After? A. Afterward. [3934]

Q. How long after?

A. That is hard to tell; I haven't a very good memory.

Q. Well, no, I see that. When you gave your friend these letters did you give him any instructions what he was to do with them?

A. I told him to keep them for me.

Q. You say he gave them to your wife?

A. He did.

Q. How do you know

A. He told me he did.

Q. When did he tell you he gave them to your wife? A. Beg pardon?

Q. When did he tell you he gave those letters back?

A. When I returned from Alaska August 15, 1940.

Q. Did he tell you why he gave them back to your wife?

A. I don't believe he clearly stated why.

Q. Did you ask him? A. I did.

Q. And he didn't clearly state?

A. That is right.

Q. Are you a friend of Harry Bridges?

Presiding Inspector: Of whom?

Mr. Del Guercio: Harry Bridges.

A. We are both members of the CIO.

(Testimony of Charles Yoeman.)

By Mr. Del Guercio:

Q. Well, are you friendly with him? [3935]

A. I never met the man before yesterday personally.

Q. I believe, you testified yesterday that you were arrested twice; is that correct?

A. That is right.

Q. Once in Portland? A. Right.

Q. For petty theft? A. Right.

Presiding Inspector: You have been all over that, haven't you?

Mr. Del Guercio: No, your Honor; I have another purpose.

Presiding Inspector: Very well.

By Mr. Del Guercio:

Q. The second time? A. In Los Angeles.

Q. What was that for? A. Vag.

Q. Was this in connection with a Communistic Demonstration? A. No.

Q. Was it for loitering?

A. Well, I was drunk.

Q. You were drunk? A. Yes, sir. [3936]

Q. And you were picked up for being drunk?

A. No.

Q. What were you picked up for?

A. Vag.

Q. Well, what is that "vag"?

Mr. Grossman: Just a moment, your Honor. First, because that is a legal question, second also.

(Testimony of Charles Yoeman.)

because the law is so unsettled on what vagrancy is, I don't think the witness should be asked——

Presiding Inspector: (Interposing) He was picked up. The charge was vagrancy. I suppose when he was arrested, if he was arrested, he was told that he was arrested for vagrancy. You asked him what he was picked up for.

Mr. Del Guercio: Well, as a matter of fact,——

Presiding Inspector: (Interposing) So that is all you want to ask on that.

Mr. Del Guercio: No.

Presiding Inspector: Go ahead.

By Mr. Del Guercio:

Q. As a matter of fact, Mr. Yeoman, you were picked up, arrested in the commission of lewd and lascivious acts, were you not?

A. Not to my knowledge.

Q. Not to your knowledge. And you were charged with vag.-lewd under Section 288-A of the California Penal Code, [3937] is that right?

A. I don't remember.

Q. You don't remember?

A. About any of that 288-A, that stuff.

Q. You were arrested at San Pedro on September the 19th, 1939 were you not?

A. I believe that is the date; I am not sure.

Q. I will show you an arrest report here.

Mr. Grossman: May I see it, Mr. Del Guercio?

Mr. Del Guercio: I haven't introduced it yet.

Presiding Inspector: Don't answer the question. Just look at it.

(Testimony of Charles Yoeman.)

A. (Examining document.)

Presiding Inspector: I don't know if there is any question.

Better show it to counsel.

(The document referred to was handed to other counsel by Mr. Del Guercio.)

Mr. Grossman: Your Honor. I wish to point this out: Insofar as this completely states this situation it appears very clearly here that the booking which is the legal effect of the charge, I assume, at that stage before any complaint has been filed, and the only charge officially, was for Section 647 Subdivision 5 vag.-lewd, which is not the other Section. I think from now on, any questions that are [3938] asked should definitely refer to—otherwise they mislead the witness—should definitely refer to—so far as I know, this is an official document. As a matter of law, I believe the booking, at least, until there is a complaint, is the legal basis for the arrest and the charge.

Presiding Inspector: He admitted it.

Mr. Grossman: Yes.

Presiding Inspector: Is that the whole transcript of the record?

Mr. Grossman: This is only the officer's report, arrest report which, I think, is immaterial, in any event. I think the only material thing is the charge on which the arrest—

Presiding Inspector: (Interposing) This is offered to refresh his recollection.

(Testimony of Charles Yoeman.)

Mr. Del Guercio: Yes.

Mr. Grossman: I mean, any questions from now on should refer to the fact that the booking was for an arrest under the vag-lewd Section 647.

Presiding Inspector: It doesn't matter much what the arrest was for—

By Mr. Del Guercio:

Q. (Interposing) This recites correctly the circumstances under which you were arrested on September 19, 1939, at San Pedro?

A. You are asking me? [3939]

Q. Yes.

A. It does not.

Q. What is incorrect about it?

Presiding Inspector: No, no, no.

Mr. Grossman: Just a moment. I am going to object to this as incompetent, irrelevant and immaterial. We have no objection whatsoever to showing the charge and the conviction or the plea.

By Mr. Del Guercio:

Q. Were you arrested again?

Presiding Inspector: Ask what were the circumstances. If you want, you can lead him.

Mr. Del Guercio: Yes. Well; I can ask him that, your Honor.

By Mr. Del Guercio:

Q. Were you arrested again on September 29, 1939?

A. I was only arrested one time in San Pedro. What the particular date was I don't remember, but I was arrested once.

(Testimony of Charles Yeoman:)

Mr. Grossman: Could I look at the other a moment, please, the one you showed me before?

(Whereupon the document was handed to Mr. Grossman.)

By Mr. Del Guercio:

Q. I will show you what purports to be an arrest report for September 29, 1939 at San Pedro, California, person [3940] arrested, Charles Yeoman, age 23, occupation seaman, race Scotch, Address SS President Cleveland—

Mr. Grossman: (Interposing) I am going to object to any reading of the arrest report.

Mr. Del Guercio: Just for identification.

Presiding Inspector: This is merely to identify it.

Mr. Grossman: Oh!

By Mr. Del Guercio:

Q. (Continuing) Arrested by Von Wiedenfield, and ask you if this report relates to your arrest on that date?

A. Can I see that one?

Q. Yes. (Handing document to witness.)

A. (Examining document) I only know one thing; I was only arrested one time in Pedro.

Mr. Del Guercio: Well, let me introduce this first report of the date September 19, 1939.

Mr. Grossman: Your Honor, I am going to object.

Mr. Del Guercio: For identification.

Mr. Grossman: Even for identification.

(Testimony of Charles Yoeman.)

Presiding Inspector: Have it marked for identification.

Mr. Del Guercio: Yes.

(The document referred to was marked Government's Exhibit No. 264 for identification.)

Mr. Del Guercio: And I ask that the second arrest report dated September 21, 1939, be also marked for identification.

Presiding Inspector: I will allow the second paper to be [3941] marked for identification too as you have shown it to the witness.

(The document referred to was marked Government's Exhibit No. 265 for identification.)

By Mr. Del Guercio:

Q. How many persons were arrested with you?

A. Two.

Q. What were their names?

A. One of them's name was Dick Butler; the other one I don't remember.

Q. Was Dick Butler a shipmate?

A. He was.

Q. You were employed on the SS Cleveland at that time, is that right?

A. I was.

Q. Was the other party also employed on the Cleveland?

A. He was.

Q. You were all shipmates?

A. That is right. [3942]

Q. And where were you when you were arrested?

A. In San Pedro.

(Testimony of Charles Yoeman.)

Q. Well, in what part—were you in a house, or a hallway, or what?

A. I was drunk and I don't really remember where we were arrested.

Q. You were all together, weren't you?

A. We were, I believe.

Q. You were all arrested together?

A. Well, we all ended up in the can together the next morning.

Q. Who was with you at the time you were arrested, Butler or the other fellow?

A. I think they were both with me?

Q. What?

A. I am not sure, but I think we all three went together.

Q. Wasn't one of those persons acting as a lookout?

A. Not to my knowledge.

Q. Did you make a statement to the police officer after your arrest?

A. I probably did.

Q. Did you admit to the police that you were committing an act of,—committing a lewd and lascivious act at the time of your arrest?

A. I don't believe so. [3943]

Q. Were you arrested in the commission of a lewd and lascivious act?

A. I wouldn't call it that.

Q. What?

A. I wouldn't call it that.

Q. What would you call it?

A. That all depends on which version you want.

Q. Give me your version?

A. Well what your version is, it is clearly what the arresting officers stated in San Pedro.

(Testimony of Charles Yoeman.)

Q. What was that?

A. What you have got there.

Q. What is your version?

A. My version is entirely different.

Q. What is it?

A. Well, I might explain that more clearly to the court.

Q. Very well. You mean privately?

A. Your Honor, at times in San Pedro when the officers arrest a seaman, he hasn't no home and very few friends. It is a common practice, whenever they arrest you for any charge, be it so minor, to try to make a felony out of that crime, whatever it is; and afterward they will reduce this charge, naturally, if you will go down and plead guilty, which usually a seaman will do for more than one reason. He has no money to hire a lawyer. [3944] Nine times out of ten his home is somewhere else, so to get out of laying in jail 30, 60 or 90 days waiting for a court trial, he will go down and plead guilty and do 10 days to get out of jail. They reduce the charge from the greater charge they always slap on you to a minor charge so you will do that.

That is clearly a case of what happened at that time. The crime that I was charged with, and supposed to be charged with, never was presented to me at first.

After I had been in jail two days a guy came to me and said, "You are in an awful jam."

I asked him why.

"Well," he said, "you did this, you did that."

I said, "Well, you are clearly wrong; I didn't."

(Testimony of Charles Yoeman.)

"Well," he said, "You are in a bad way for it."

So a couple of days went by. I couldn't hire a lawyer, I didn't have any money.

Then either a court man, or the Chief of Detectives, or a detective there, came up and said, "How would you like to go down and plead guilty to a reduced charge and do 30 days?"

I said, "Look, I still didn't do what you are telling me I did. I don't want to plead guilty to anything that pertains to that."

So he said, "Well, if you don't do it you know that you can lay around here a long time before you ever do go to trial."

So I asked another officer there by the name of Thompson, [3945] day jailer—and a fine fellow too—and he told me if I did not follow down the wishes of the Police Department that it was likely that I would be transferred to Lincoln Heights and would stay there for a period of maybe a month or two months awaiting for a court trial before I could ever appear and plead not guilty.

So naturally, under the circumstances, it was far better for me to go down and plead guilty to something. It was clearly arranged beforehand that all we would do would be to do ten days. That is all that we would do. That was set, cut and dried, before we ever went to the court room, that we would do ten days and would be turned loose.

So it was far better for me to plead guilty to this vag-lewd and do those ten days than to be milled

(Testimony of Charles Yoeman.)

around by justice for ninety days waiting to clear myself completely for being not guilty.

What you are trying to bring out here is what the Police Department filed. I can tell you truthfully, from a personal standpoint, I am glad at this time that I can state why I went down to San Pedro and plead guilty. And that is that so I would be able to do ten days and go back to work, instead of staying in jail 90 days waiting for trial to prove that I didn't do an act they said I did do.

Q. Then that is your version of it?

A. Yes. [3946]

Q. You do recall that you were charged with a felony, vag.-lewd, for a lewd and lascivious act?

Mr. Grossman: It appears clearly, if those reports are correctly reporting the situation, that this witness has never been charged with any felony. I call your Honor's attention to this arrest report and suggest that you look at it.

He obviously was booked for a violation of 647, which is a misdemeanor, which is vagrancy.

I happen to know there was never any felony charge, and that these reports do not indicate any felony charge. I think it is, therefore, improper for any suggestion to be made in the question that he was charged with any felony.

Presiding Inspector: It went to a court proceeding.

Mr. Grossman: I am here to definitely state, and Mr. Del Guercio knows, he was never charged with a felony and that these arrest reports indicate that.

(Testimony of Charles Yoeman.)

Presiding Inspector: Do you know what he was charged with?

Mr. Grossman: Yes.

Presiding Inspector: When he was first arraigned?

Mr. Grossman: I know this much: That I called up and had the records checked, and they show a charge only of a violation of 647. The arrest reports show he was booked for a violation of 647 of the Penal Code which is vagrancy. There is no indication in the arrest reports that he was [3947] booked or charged with a felony.

I think it is completely unfair to the witness to say that, and any such statement is designed to falsely prejudice anyone who hears this to say that the arrest reports indicate that he was charged with a felony. I submit, if you will look at the arrest reports they show the booking—

Presiding Inspector: Do you think this is consistent with the statement which has been made here about the reduced charge?

Mr. Grossman: As to whether there was a charge, yes. In other words, the witness—various code sections may be involved, but all I say is there never was any felony charge.

The reason I say that—we opened this up and he has a right to go into what he was charged with. That becomes material. Therefore, I am concerned that the record should clearly show what he was charged with.

Presiding Inspector: I am not familiar enough

(Testimony of Charles Yoeman.)

with your terminology to know what you mean by "charges." A man is arrested and brought before a magistrate, I suppose.

Mr. Grossman: Before that, your Honor, as I understand it, he is booked in the police station for something.

Presiding Inspector: He is held and then brought before a magistrate. He must, under the Constitution, I suppose, be immediately brought before a magistrate?

Mr. Grossman: Correct. [3948]

Presiding Inspector: When he is brought before a magistrate there is some information or charge held against him. Now, if that is what you mean by "charge" in the first instance—

Mr. Grossman: (Interposing). I mean both, not only that official charge, your Honor, which was a misdemeanor, vagrancy, but even on the booking at the police station, there would be a charge for the purpose of bail, until he is brought before a magistrate; and even that is also for a misdemeanor. That is according to the reports of the arresting officers.

Presiding Inspector: You mean to inform me as to the practice?

Mr. Grossman: Yes.

Mr. Del Guercio: Let me see if the reports bear out counsel's statement.

Mr. Grossman: I think your Honor should look at the reports.

(Testimony of Charles Yoeman.)

Mr. Del Guercio: Just a moment. I didn't say anything while you were talking.

Here is the report and counsel says he was not charged with a felony.

Presiding Inspector: We are not very much interested in some kind of a paper that you have in your hand, which has never been offered for evidence, but merely marked for identification. I don't see what it has to do with the case. [3949]

Mr. Del Guercio: Counsel has stated that these reports that I have show that he was charged with a misdemeanor.

Presiding Inspector: Supposing he has? What counsel says isn't evidence.

Mr. Del Guercio: Very well. I offer this to show that the arrest report shows that the witness here was charged with a felony, suspicion 288 P. C.

(The document referred to was passed to the Presiding Inspector.)

Presiding Inspector: What were you going to ask?

Mr. Del Guercio: In view of the explanation of the version this witness has given of this arrest, I don't like to go into it, of course.

Presiding Inspector: The only thing here that I suppose is pertinent, without some witness other than a piece of paper, is that the charge is "Susp. 288 P. C."

Mr. Del Guercio: Penal code.

Presiding Inspector: I don't know what that is.

(Testimony of Charles Yoeman.)

Mr. Del Guercio: I don't want to, of course, go into the details if the witness denies it.

Presiding Inspector: No. I don't know what 288 P. C. is.

Mr. Grossman: I would like to say we absolutely have no objection to what the court records show. We would be willing to subpoena them ourselves to have them go in because we think they might be considered relevant; but something an [3950] officer might or might not say, which is not a charge and something, incidentally, that he is not willing to back up by a charge, either by booking or by any other kind of charges, we think is irrelevant in this proceeding; unless, as I say, if he were charged with that, and the Court records show it, we have no objection to going into it.

By Mr. Del Guercio:

Q. Now, this charge here was reduced to vag-
lewd, was it not? A. I believe it was.

Q. And that is under Section 647, subdivision 5,
of the California Penal Code? A. It is.

Q. And you pleaded guilty to that?

A. I did.

Mr. Grossman: 647.

Mr. Del Guercio: 647, Subdivision 5.

Mr. Grossman: Excuse me—vag-lewd. That is not the legal definition, but it is all right.

By Mr. Del Guercio:

Q. Now, this arrest up at Portland, you say you were arrested and convicted for petty larceny?

(Testimony of Charles Yerman.)

A. I was arrested and I was convicted of petty larceny.

Q. Are you sure it wasn't grand larceny?

A. I might have been arrested for grand larceny, but I [3951] was convicted of petty larceny.

Q. Weren't you convicted of grand larceny?

A. Not to my knowledge.

Q. What did you steal?

A. I believe I stole a bunch of suitcases.

Q. Of what value?

A. I don't remember what the value was. Maybe you have got it there, you probably have, and you can tell me.

Q. What were the circumstances surrounding your arrest for stealing the suitcases?

Mr. Grossman: I am going to object to this as incompetent, irrelevant and immaterial.

Mr. Del Guercio: I believe we have a right to go into this. They brought it out.

Presiding Inspector: You showed this conviction, or did you? I have forgotten.

The Witness: Yes.

Mr. Grossman: What I am objecting to particularly are the circumstances surrounding the arrest.

Presiding Inspector: I don't think we are interested in that.

I suppose you meant the commission of a crime.

By Mr. Del Guercio:

Q. What were you charged with when you were arrested?

A. Well, I believe when I was first arrested I

(Testimony of Charles Yoeman.)

was [3952] held for approximately 72 hours and charged with suspicion of theft, grand theft, or grand larceny.

Q. You were charged with grand larceny?

A. I was held—what do you call it?

Q. Didn't the grand jury indict you for grand larceny? A. They did.

Q. Were you tried on that charge?

A. No. The grand jury did not indict me for grand larceny.

Q. Which is correct?

A. No. I waived the preliminary hearing—isn't that the "procedure"?

Presiding Inspector: You waived your examination and it went to the grand jury?

The Witness: They just passed on it, I guess. I don't know the procedure.

Presiding Inspector: It goes to the grand jury and they make a finding and present a bill.

By Mr. Del Guercio:

Q. Was the indictment read to you in court?

A. It was.

Q. It wasn't an information?

A. Pardon?

Mr. Del Guercio: Withdraw it.

Mr. Grossman: I don't think the witness knows the dif- [3953] ference.

Presiding Inspector: Probably doesn't.

By Mr. Del Guercio:

Q. What did you plead?

(Testimony of Charles Yoeman.)

A. I plead guilty.

Q. To what charge, to the charge in the indictment?
A. I don't understand you.

Q. What did you plead guilty to?

A. Whatever I was charged with.

Q. And what sentence were you given?

A. I was sentenced to a year in the county jail.

Q. To go back to this arrest in Los Angeles. I believe you testified yesterday that you were given ten days?

A. I don't believe I did. I said I did ten days.

Q. What sentence was given?

A. I was sentenced to, I believe it was, six months—I believe that I said that yesterday—to six months, with five months and twenty days suspended, with two years' probation.

Q. I believe you also said you were told to keep out of Los Angeles County?

A. That was the terms of the probation, that I not come off the ship when she docked in San Pedro. That is a common practice in the courts of San Pedro.

Q. Have you ever been arrested at any other times? [3954]
A. I have not.

Q. Do you know a John Oliver Yeoman?

A. My brother; yes.

Q. Was he ever in the Navy? A. He was.

Mr. Grossman: What was the last question?

The Witness: He asked me if my brother was ever in the Navy and I told him he was. He was given a tropical survey out of Guam after a couple

(Testimony of Charles Yoeman.)

of years over there in the service, medical discharge.

By Mr. Del Guercio:

Q. Were you ever in the Navy?

A. I tried twice, but they wouldn't have me.

Q. How did you happen to come down here to testify?

A. I didn't happen to come down here to testify?

Q. Did anyone get in touch with you?

A. I understood you to mean that I came down from Portland to testify.

Q. Did you, or do you live here in San Francisco?

A. No. I was on board a ship, the SS Alvarado.

Q. Did anyone come over to see you on the ship?

A. Yes. My mother came down and met the ship when it got in.

Q. I mean anyone connected with this case here, counsel for the defendant. [3955]

A. Yes.

Q. Who did?

A. Mr. Margolis.

Q. Mr. Margolis?

A. Yes.

Q. What did he say?

A. He asked me if I knew anything about Nick Lovelace.

Q. What did you tell him?

A. I told him what I knew.

Q. Did you tell him what you knew?

A. Pardon?

Presiding Inspector: He said he did.

(Testimony of Charles Yoeman.)

By Mr. Del Guercio:

Q. Did Mr. Margolis say anything else?

A. He asked me if I would be willing to testify to what I knew of the letters that were written between Dick Lovelace and my former wife.

Q. And you said—

A. (Interposing) I said I probably couldn't do any good, but in the cause of justice I was willing.

Q. Did you tell him of your arrest in Los Angeles?

A. I did.

Q. Did you tell him it was for vag.-lewd?

A. I did.

Q. Did you tell him the circumstances under which you [3956] were arrested?

A. I certainly did.

Q. What? A. I certainly did.

Q. Did you see anyone else connected with the defense, other than Mr. Margolis?

A. I talked to Aubrey the next morning, I believe it was, or maybe that night.

Q. Aubrey?

A. Mr. Grossman. I don't know all these people's names.

Q. When did you talk to him?

A. I believe I talked to him a few minutes that evening, and just about five minutes the following morning.

Q. At his office or on the ship?

A. Pardon?

Q. At his office or on the ship?

(Testimony of Charles Yoeman.)

A. At his office.

Q. How long did you talk to him?

A. Just a short time.

Q. Did you talk to anyone else before you appeared here?

A. In regard to the case?

Q. Yes.

A. My mother.

Q. Other than your mother, Mr. Grossman and Mr. Margolis?

A. No, I didn't. [3957]

Q. Did you receive any letters from Mr. Lovelace?

A. Now, I will tell you—I have been trying to remember clearly whether he wrote me a letters direct or not, and I am not sure. One time—I really have tried to remember whether he wrote me letters addressed to me.

Q. Did he write you a twelve page letter one time?

A. I believe that was addressed to my wife, but it was intended for me.

Q. Isn't it a fact that he wrote you a letter in which, among other things, he called you a "dirty dog"?

A. He might have.

Q. He might have?

A. Yes. [3958]

Q. Do you have that letter?

A. No, I haven't.

Q. What did you do with it?

A. I believe that was among the letters that was returned to my wife, former wife.

Q. By you?

A. Not by me.

Q. What did you do with this letter that Mr. Lovelace wrote in which he called you a dirty liar?

(Testimony of Charles Yoeman.)

A. I am not sure that he wrote me that letter. You are trying to mislead me.

Presiding Inspector: He says he isn't sure. He has said it several times that he isn't sure that there was a letter to him.

By Mr. Del Guercio:

Q. And you gave those letters also to your friend?

Presiding Inspector: What do you mean by "those letters?"

Mr. Del Guercio: All of the letters including the ones written to his wife.

Presiding Inspector: He has already testified that he gave all the letters to this Mr.—

The Witness: (Interposing) Gravon.

Presiding Inspector: Grayon.

By Mr. Del Guercio:

Q. Now, you testified yesterday that you tried to get the letters back from your ex-wife? [3959]

A. I did.

Q. Did you ask her for them?

A. I believe I did.

Q. When did you ask for them?

A. Beg pardon?

Q. When did you ask for them and where?

A. After I returned from Alaska.

Q. And what did you want with the letters?

A. Well, we were—we had pretty well mutually agreed—I had anyway—that there would be a divorce directly upon my return from Alaska. I didn't

(Testimony of Charles Yoeman.)

want to incur any trouble getting it. With these letters it was a cinch. Without them there might have been a little trouble. That is why I wanted the letters.

Q. You didn't sue for a divorce?

A. No. To keep other people from being involved in a nasty mess I was willing to pay for it and let her get it.

Q. Well, you mean you didn't sue for divorce because you didn't want other people to get into a nasty mess? A. That is true.

Q. You appeared here to testify to that against her? A. Beg pardon?

Q. Never mind. I withdraw the question.

What were the grounds for the divorce?

Presiding Inspector: Haven't we had enough about all this?

Mr. Del Guercio: Oh, well, all right. [3960]

Presiding Inspector: If you want to go into it you may.

Mr. Del Guercio: No, I don't think it is necessary.

Presiding Inspector: It seems to me we have gone pretty far.

Mr. Del Guercio: That is all, I believe.

Mr. Grossman: That is all.

(Witness excused.)

Presiding Inspector: Next witness.

Mr. Grossman: He will be here in a moment. He is in our witness room.

Mr. Del Guercio: May we have a short recess?

Presiding Inspector: Yes, we will take a short recess.

(Thereupon a short recess was taken.)

Presiding Inspector: Raise your right hand.

MORRIS F. WALES

called as a witness on behalf of the Alien, being first duly sworn, testified as follows:

Direct Examination

By Mr. Grossman:

Q. What is your name?

A. Morris F. Wales, W-a-l-e-s.

Q. Are you here in response to a subpoena directed to the Southern California Gas & Electric Company?

A. Yes, sir.

Q. Is that the correct name of the company?

[3961]

A. Southern California Gas Company.

Q. What position do you hold with that company?

A. I am supervisor of meter reading and collections of the Los Angeles district.

Q. Would you mind reading the portions of that subpoena that indicate what documents or papers you were to bring with you?

Presiding Inspector: Well, has he brought them?

Mr. Grossman: Yes, sir.

Presiding Inspector: Well, then, why—

(Testimony of Morris F. Wales)

By Mr. Grossman:

Q. (Interposing) Have you brought all the papers called for by the subpoena?

A. Yes sir; all we could find.

Q. Now, what are these documents that you have brought with you in response to the subpoena? Could you describe each of them separately?

A. The large one—

Mr. Del Guercio: (Interposing) If your Honor please, there is no foundation laid for their introduction so why describe them. Describe them completely? Read them?

Mr. Grossman: I don't want them read. I want to know what kind of records they are.

Presiding Inspector: He wants to know what they are in a general way to identify them. [3962]

The Witness: I have two photostatic copies of the meter deposit sheet, or book, rather, in which deposits are entered.

By Mr. Grossman:

Q. Deposits, you mean, that are given by a person who wishes service with your company to guarantee the payment of his bill?

A. Who wishes service, yes.

Q. These deposits are given at a time when a person signs up for service with your company?

A. At the time of service.

Q. What kind of a book is it that these records that you have photostatic copies of are kept in?

A. It is a large bound book in which the deposit

(Testimony of Morris F. Wales)

slips are entered in numerical order. There are probably 50 of these books two or three inches thick, and I took the photostatic copy of the one sheet on which this name appeared.

Q. Now, what are the other documents or papers that you have brought with you?

A. The next is the application for gas and electric service signed by this party.

Q. Now, is that the application that is normally or was normally, in the course of your business, filled out whenever a person applied for service in 1934?

A. Yes, that is the fact.

Q. All right. Now, have you got anything else with you? [3963]

A. I have the original ledger card on which this account was kept while this person lived at this particular address.

Q. Is that the usual card, ledger card that was used to cover the service of a person in 1934?

A. That is right.

Q. Now, will you state what those records show with respect to when a Mr. Laurence, Thomas Laurence applied for service with your company in 1934?

A. To take them in order, the customer first signs the application, which, in this case, was signed on May the 18th, 1934, to have service turned on May the 19th, 1934.

Q. At what address?

A. At 1114 Bellevue Avenue, the basement, north side.

(Testimony of Morris F. Wales)

Q. And do the records that you have brought with you show when that service was turned on?

A. The ledger card shows the service was turned on May the 19th, both gas and electricity, 1934.

Q. And that large sheet that you brought with you does that confirm any of these other items or add anything to them?

A. That confirms the fact that the customer put up a deposit, although it is also shown, indicated on the ledger sheet, and the deposit was entered on the book, next to the last item on the sheet.

Q. Do the documents that you have brought with you show for how long this service continued being furnished to Mr. [3964] Laurence at this address?

A. Yes, sir. The ledger card shows the service was closed on September the 28th, 1934.

Q. Have you brought with you photostatic copies of each of these documents?

A. Two copies of each.

Q. May I have them, please?

A. (Handing documents to Mr. Grossman)

(Whereupon the documents were handed to Mr. Del Guercio.)

Mr. Grossman: Have you finished with those?

Mr. Del Guercio: Yes.

By Mr. Grossman:

Q. Do these documents that you have brought represent all the documents in your files showing

(Testimony of Morris F. Wales)

service to Thomas Laurence during the year of 1934? A. No, only at that address.

Q. At this address?

A. Only at that address. The rest are destroyed.

Q. I beg your pardon?

A. The other records are all destroyed.

Q. But these records show all the service furnished to Thomas Laurence during the year of 1934 at this address? A. Correct.

Mr. Grossman: I now offer these in evidence, your Honor, and ask that the photostatic copies may be introduced and the originals given back to this gentleman. [3965]

Mr. Del Guercio: I object on the following grounds: I not only object to the introduction of the evidence but I move to strike all of this witness' testimony as it neither adds anything nor detracts, nor contradicts any testimony previously given. The testimony of Thomas Laurence shows he testified that this meeting at which Harry Bridges was present at Los Angeles, California, occurred between May 9, between the period from May 9, 1934 to July 31, 1934.

That is reported, if your Honor please, on page 949 and 950 of the transcript.

Presiding Inspector: Yes.

Mr. Del Guercio: As a matter of fact, this witness' testimony confirms Thomas Laurence's testimony.

Mr. Grossman: Your Honor—

(Testimony of Morris F. Wales)

Presiding Inspector: (Interposing) It may be relative; it may be confirmatory or not.

Mr. Grossman: We don't say it is inconsistent with Mr. Laurence. It tends to further fix the time at which this meeting took place, your Honor. I am not stating it is in conflict at all with Mr. Laurence's testimony.

Presiding Inspector: I will take it. It may be necessary for you to show—I don't remember what the testimony of Mr. Laurence was—as to whether he had just moved in.

Did he?

Mr. Grossman: He stated the meeting was about two months—he may have said approximately, he may have said [3966] about, he may have said just two months after he moved in.

Presiding Inspector: After he moved in?

Mr. Grossman: Yes. Now, I realize, your Honor, this isn't conclusive proof of when he moved in. It is some evidence of when he moved in.

Presiding Inspector: He may have moved in—

Mr. Grossman: (Interposing) He may have moved in; he may have had no gas or lights, it is possible.

Presiding Inspector: He may have taken over arrangements by a previous outfit; we don't know.

Mr. Gladstein: I say it is prima facie. —

Mr. Del Guercio: Or his wife may have taken out service, Mr. Laurence's wife.

Presiding Inspector: Yes. I don't remember the testimony about the occupancy of the apart-

(Testimony of Morris F. Wales)

ment with sufficient accuracy to remember those matters.

By Mr. Grossman:

Q. Now, may I ask you one more question, that is, whether you desire the return of any of these documents except the two originals?

A. The two originals only.

Q. You don't require the return of the photostatic copy? A. No.

Mr. Grossman: I assume, your Honor, I have the right— [3967] I don't know—to take the extra photostatic copy. That won't have to be introduced.

Presiding Inspector: We don't care—

Mr. Grossman: (Interposing) I say that because there isn't one for Mr. Del Guercio. There is only one. The question is whether I have a right to it or not. I don't know. If the witness brings it and is willing to leave it here—

Presiding Inspector: All you want to introduce is one photostat?

Mr. Grossman: The question is whether I can take—

Presiding Inspector: (Interposing) Why can't you take anything that the witness will give you?

Mr. Grossman: I assume that, but I wanted to be sure.

Presiding Inspector: It hasn't anything to do with this hearing.

Mr. Grossman: Then, I ask that these three documents be given separate numbers, the three next in order.

(Testimony of Morris F. Wales)

Presiding Inspector: It may be done, and you may, in the case of the originals, substitute the photostatic copies.

Have the originals marked too.

(The documents referred to were received in evidence and marked Alien's Exhibits, Nos. 19, 20 and 21.)

Mr. Grossman: No more questions.

Mr. Del Guercio: Are you ready? [3968]

Mr. Gladstein: Yes.

Cross Examination

By Mr. Del Guercio:

Q. Mr. Wales, were you asked in the subpoena to make a search for application for service at 1114 Bellevue Avenue? A. Yes, sir.

Q. In the name of Mrs. Thomas Laurence? Were you asked in the subpoena to make a search of your records, in the application for service at 1114 Bellevue Avenue, in the name of Mrs. Thomas Laurence? A. Just Thomas Laurence.

Q. And did you make a search of all of your records? A. Yes.

Q. In regards to Mr. Thomas Laurence?

A. Yes.

Mr. Del Guercio: That is all.

Mr. Grossman: That is all.

(Witness excused.)

Presiding Inspector: The next witness.

Mr. Gladstein: He is being called, your Honor.

Presiding Inspector: Raise your right hand.

RUTH E. GIVAN

called as a witness on behalf of the Alien, being first duly sworn, testified as follows:

Presiding Inspector: 'Give your name and address to the [3969] reporter.

Direct Examination

By Mr. Gladstein:

Q. Will you please state your full name?

A. Ruth E. Givan, G-i-v-a-n.

Q. Mrs. Ruth E. Givan, is that right?

A. Right.

Q. Where do you live, please?

A. In Seattle.

Q. Would you give the address?

A. 6520 Fauntleroy Avenue.

Q. Would you spell that for the reporter?

A. F-a-u-n-t-l-e-r-o-y.

Q. Do you live there with your husband?

A. I do.

Q. Are you employed, Mrs. Givan?

A. Yes, I am employed.

Q. Where are you employed?

A. The Post-Intelligencer.

Q. How long have you been employed with the Seattle Post-Intelligencer? A. Since 1923.

Q. In what department of that newspaper?

A. In the classified advertising department.

Q. The Post-Intelligencer is a Seattle newspaper, [3970] is it not? A. It is.

Q. Are you acquainted with a man named Nat Honig? A. Yes, I am.

(Testimony of Ruth E. Givan.)

Q. Do you know that he works on the staff of the Post-Intelligencer?

A. Yes, part of the time.

Q. Calling your attention to a recent period in the latter part of March of this year were you a witness to an incident at a book store?

A. I was a witness to an incident at a department store.

Q. In a department store? A. Yes.

Q. Did that incident involve Mr. Nat Honig?

A. Yes, it did.

Mr. Del Guercio: Now, if your Honor please, I object to this line of questioning.

Presiding Inspector: I will take it so far; I will take it so far.

By Mr. Gladstein:

Q. About what time of day did this incident occur, Mrs. Givan?

Mr. Del Guercio: Object to that.

Presiding Inspector: Just a moment. I think I will have [3971] to have Mr. Honig's testimony. I have sent for it.

As I recall, this was brought out by you, Mr. Del Guercio.

Mr. Gladstein: That is my recollection.

Mr. Del Guercio: Well, I won't state either one way or the other. I don't know at this time.

Presiding Inspector: Well, I have just sent for the testimony.

Mr. Gladstein: Page 1493, your Honor.

(Testimony of Ruth E. Givan.)

Presiding Inspector: Yes, Mr. Gaiser just told me. (Examining transcript) I will take it.

Mr. Del Guercio: If the Court please, before we consider that, the Court will recall that this was not an arrest in any sense of the word, no charge.

Presiding Inspector: It has not been described as an arrest, I don't think.

Mr. Gladstein: Your Honor is correct.

Presiding Inspector: Go ahead. I will let this witness tell what the incident was.

Mr. Gladstein: I think the last question was what time of the day did the incident occur.

Presiding Inspector: Yes.

Mr. Gladstein: Would you answer that, Mrs. Givan?

A. Yes, it was in the middle of the afternoon.

By Mr. Gladstein:

Q. Where were you at the time it began? [3972]

A. Seated at my desk.

Q. Your desk where?

A. In my office in the Post-Intelligencer, in the P.I. Building.

Q. When you refer to "P.I." you refer to the Post-Intelligencer?

A. P.I. and Post-Intelligencer are synonymous.

Q. Now, would you describe just briefly what your office is like with respect to your ability to see across the street?

A. My office is on a balcony which is really a second floor and the entire rear wall of the office

(Testimony of Ruth E. Givan.)

is windows which face out on 6th Avenue, windows which go entirely to the floor so that the wall behind my desk is all glass.

Q. And on the opposite of the street is there a department store? A. There is.

— Q. What is the name of that store?

A. Frederick & Nelson.

Q. Now, will you describe what incident occurred that you saw involving Mr. Honig at the time you have stated?

Mr. Del Guercio: I will object to that, your Honor.

Presiding Inspector: I will take it.

A. I was looking out of the window, with a telephone in my hand, and I observed Mr. Honig, running out of one of the [3973] 6th Avenue entrances of the department store, pursued by two women who seized his arms as soon as he was out on the sidewalk and held him, and Mr. Honig struggled rather wildly, flung his arms up and seemed to try to get away, seemed to be talking. I could see his mouth moving very fast. They held him. They finally led him away, after he had quieted down, down toward the rear of the building where there was an automobile concourse which goes through and they led him in there off the street. [3974]

By Mr. Gladstein:

Q. Now, Mrs. Givan, have you had occasion to discuss with other employees on the staff of the

(Testimony of Ruth E. Givan.)

Post-Intelligencer the reputation of Mr. Nat Honig for truth and veracity?

A. Yes; the matter has been discussed.

Q. Do you know what the reputation for truth and veracity of Mr. Honig, among the staff employees of the Post-Intelligencer, is?

Mr. Myron: I object to that.

Presiding Inspector: "Yes" or "No". I will take it.

A. Yes. I know what—

Mr. Myron: (Interposing) You were asked for a "Yes" or "No" answer. A. Yes.

By Mr. Gladstein:

Q. Will you please state whether that reputation for truth and veracity of Mr. Honig is good or bad?

Mr. Myron: I object.

Presiding Inspector: I will take it.

A. Bad.

By Mr. Gladstein:

Q. Based on that reputation, Mrs. Givan, would you believe Mr. Honig under oath?

A. No, I would not.

Mr. Gladstein: You may cross examine. [3975]

Cross Examination

By Mr. Del Guercio:

Q. Now, Mrs. Honig—excuse me—Mrs. Givan, is it? A. Givan.

Q. How wide is this street on which the building is located?

(Testimony of Ruth E. Givan.)

A. It is an average width of a street in Seattle; I suppose about 80 feet wide, including sidewalks.

Q. Including the sidewalks? A. Yes.

Q. From building to building? A. Yes.

Q. And you are on the second floor?

A. I am on the balcony. There is a second floor above the floor I am on.

Q. What do you mean by "balcony"—your office is on a balcony?

A. Yes; my office is on the balcony.

Q. Is the balcony enclosed or open?

A. Closed with glass on the inside of the building side.

Q. How high is the glass?

A. Mostly all the way to the ceiling of the room; it separates it from the room below.

Q. From the ceiling to the floor?

A. That is right. [3976]

Q. All in glass? A. Yes.

Q. And your desk is where?

A. My desk is along the wall of the room, which is the exterior wall.

Q. The exterior wall—that is opposite the wall from where the windows are?

A. No; the same wall where the windows are.

Q. Is there a wall where the windows are?

A. The entire room is surrounded by glass, both the exterior and the interior side, and my desk is on the exterior side with an entire wall of windows behind me.

(Testimony of Ruth E. Givan.)

Q. What were you doing at the time that this incident occurred?

A. I was turned around in my swivel chair looking out of the window holding a telephone.

Q. You were working?

A. I was at my desk at work; yes.

Q. You were holding a telephone? A. Yes.

Q. Were you holding a telephone conversation?

A. I was probably waiting for somebody to answer. I wasn't talking to anybody at the moment.

Q. For how long were you talking when this incident you spoke about occurred? [3977]

A. I hung up the phone and watched out the window.

Q. The party had called you?

A. I think it was somebody I had called. I don't definitely recall who I was talking to.

Q. You hung up, you say? A. Yes.

Q. Without talking to the party?

A. Yes. I was so interested in what I saw.

Q. You were interested. Where did Honig run to?

A. He ran out of the building, which is down a flight of steps within the building, and through the doors and out on to the sidewalk.

Q. You saw him run down a flight of steps?

A. Yes; it is quite possible from my desk.

Q. I didn't ask you that. I said you saw him run down a flight of steps?

Presiding Inspector: That is natural remark.

A. Yes, I did.

(Testimony of Ruth E. Givan.)

By Mr. Del Guercio:

Q. Where are the steps in the department store?

A. Just inside the entrance.

Q. Just inside the entrance. What entrance?

A. Just inside the Sixth Avenue entrance to the store.

Q. Could you see all the steps from where you work?

A. That is right, I could. [3978]

Q. From top to bottom?

A. Yes. There are about six of them.

Q. Where did the steps lead to?

A. From the main floor of the store down to the street level where the doorway opens.

Q. How can you observe these steps?

A. Through the wide open doors.

Q. Through the windows also?

A. Through my windows; yes.

Q. And through the windows of the department store?

A. Not the windows of the department store; the windows in my office. The doors of the department store were wide open.

Q. Did you observe anybody else go in or out of those doors other than these people you have described?

A. Yes; I observed the two women who came down after him.

Q. Where did they come from?

A. Within the store, immediately following behind him.

(Testimony of Ruth E. Givan.)

Q. They also came down the steps?

A. Yes, they did.

Q. Did you see them? A. Yes, I did.

Q. How long did it take for all this to happen?

A. I would say about three or four minutes; possibly five. [3979]

Q. Were the windows of your office opened, or could they open?

A. Yes, they could open. The upper windows were open; the lower weren't.

Q. The lower windows were closed?

A. Yes.

Q. How far away were you from the window?

A. From the window, about as close as I am from the Judge's desk here.

Q. With your back towards the window?

A. With my face towards the window.

Mr. Gladstein: Just so the record may show it, the distance referred to is a matter of a foot or two, is it, your Honor?

Presiding Inspector: Yes; one to three feet.

By Mr. Del Guercio:

Q. Where did you say that Mr. Honig went after he came out of the store?

A. On to the sidewalk, running out.

Q. In which direction?

A. He came running across the width of the sidewalk toward the P.-I. Building.

Q. Toward the P.-I. Building? A. Yes.

Q. About how far did he run?

(Testimony of Ruth E. Givan.)

A. About ten feet out on the sidewalk. [3980]

Q. How wide is the sidewalk?

A. About ten feet wide. He ran out to the curb.

Q. Did he get to the curb? A. Almost.

Q. How high is the Post-Intelligencer Building?

A. Three stories.

Q. Three stories? A. Yes.

Q. You are on the second floor?

A. I am on the balcony floor.

Q. Balcony floor? A. Yes.

Q. How high is the balcony floor from the street?

A. It is probably about 15 feet high.

Q. 15 feet high? A. Yes.

Q. You say from building to building, you say that is about 80 feet?

A. In my judgment—I am not certain of the width of the street—but I would say 80 feet; that would be my best judgment.

Q. You weren't leaning out of the window?

A. No. I couldn't. It isn't that kind of a window.

Q. Both sidewalks on each side of the street, you say, are how many feet?

A. I think about ten feet wide. [3981]

Q. So that the street is about 60 feet wide?

A. Yes.

Q. Were there any cars parked on the street?

A. Yes; there were several cars parked.

Q. On which side of the street?

A. I couldn't see down on my own side of the

(Testimony of Ruth E. Givan.)

street, but on the Frederick & Nelson side there were probably one or two cars parked over there.

Q. You were sitting down all the time?

A. I was sitting down all the while.

Q. How many cars were parked in front of the department store?

A. There weren't very many because it is a zone where they are not allowed to park. There were probably one or two cars.

Q. Were any cars parked immediately in front of the entrance to the store?

A. No. They are not allowed to park there. That is a pedestrian zone crossing on Sixth Avenue and there is no parking in that area.

Q. You said you observed two cars parked there?

A. In front of the department store; yes.

Q. How near the entrance were they to the department store?

A. They weren't near the entrance. They were up along- [3982] side the building further up. There were none in front of the immediate entrance to the department store.

Q. In which direction did you observe Mr. Honig running?

A. Running directly toward me.

Q. Toward you?

A. Yes.

Q. In a straight line?

A. Very nearly a straight line. He was coming out of the entrance and across the sidewalk.

Q. Is your office immediately opposite the entrance to the department store?

A. Almost directly opposite.

(Testimony of Ruth E. Givan.)

Q. And you say you observed him running almost to the curb? A. Right.

Q. And what happened when he got to the curb?

A. The women seized his arms and held him.

Q. Did you see them seize his arms?

A. Yes.

Q. Which arms? A. Both arms.

Q. Both women or one woman?

A. Two women; each one seized an arm.

Q. Were they together at the time they approached him?

A. They came out immediately behind him and rushed up to [3983] him on each side.

Q. They got there at the same time.

A. Yes.

Q. One got on one side and one on the other?

A. Right.

Q. What was Honig doing?

A. Then he threw up his arms wildly and gave evidence of some effort to break away.

Q. Did he stop running? A. Yes.

Q. Why did he stop?

A. Because they were holding him, evidently.

Q. Did they catch him from behind?

A. They caught his arms from behind, and they were alongside of him, each one hanging on tightly to an arm.

Q. And you say he threw up his hands?

A. He endeavored to struggle and tried to.

Q. I understood you to say they were holding his arms? A. Yes.

(Testimony of Ruth E. Givan.)

Q. Then he didn't throw his hands up in the air?

A. He threw one hand in the air before the woman caught it evidently. I saw the gesture as he tried to escape her grasp.

Q. You testified they were holding both arms?

A. After they seized him they were holding both arms; yes. [3984]

Q. When did he throw up his hands, after being seized?

A. As he was being seized.

Q. Then they didn't catch him from behind, did they?

A. Yes.

Q. By both arms?

A. Yes; caught both arms from behind.

Q. They did?

A. Yes.

Q. At the same time he threw his arms up in the air?

A. Before they were seized.

Q. You mean before he was stopped or caught?

A. Oh, no.

Q. When?

A. Just at that moment he threw up his arms and they were seized from behind.

Q. Which occurred first, the throwing up of his arms or the seizure of his arms by the two women?

A. Probably he was shaking off the first grasp and tried to throw up his arms to escape.

Q. I am asking you what you know, and not "probably".

Presiding Inspector: Go ahead. Ask your next question.

(Testimony of Ruth E. Givan.)

By Mr. Del Guercio:

Q. Which occurred first?

Presiding Inspector: If you can tell.

A. I saw the motion of his arm going up in the air and [3985] then I saw the women each grasp an arm and hold on to it tightly, and I saw her hold it down with her weight.

Q. Was he on the sidewalk at that time?

A. On the edge of the sidewalk, on the curb.

Q. And what occurred after that?

A. He struggled for a moment, then seemed to cease struggling. I observed his apparent conversation with them. I saw his mouth moving, and I saw his head shaking, and he was trying to say something loudly. I didn't hear the words. They led him away.

Q. You didn't hear a word?

A. I couldn't hear the words.

Q. Do you know it was loud?

A. I saw his mouth moving, saw his head shaking, and saw him seeming to argue with them.

Q. And he was speaking loudly?

A. Apparently; yes.

Q. You didn't hear a word he said?

A. Not across the street.

Presiding Inspector: She testified to that. Let's go on. Every question is repeated and every answer is repeated. That isn't the proper way to examine a witness. Ask the question, get the answer and then ask another question.

Now go on, Mr. Del Guercio.

(Testimony of Ruth E. Givan.)

I think you have made it very clear as to what happened. Go ahead. [3986]

By Mr. Del Guercio:

Q. What happened after that?

A. The women led him away down the street to the entrance to the automobile concourse and I saw them turn in there with *them*.

Q. Now, you say they led him away. Were they holding on to him?

A. They hung to him tightly.

Q. Did you see anything else?

A. No. I saw nothing else. They disappeared in the automobile concourse.

Q. Did you tell anybody about this incident?

A. Well, I wasn't the only observer. There were at least eight or nine observing it behind my back. We discussed it.

Q. Did you tell anyone about this incident immediately after it occurred?

A. Yes.

Q. Who did you tell?

A. I discussed it with three or four girls standing alongside of me who also saw it.

Q. What are their names?

A. Miss Lee—L-e-e.

Q. Who else?

A. Miss Bertucci—B-e-r-t-u-c-c-i.

Q. Who else? [3987]

A. Miss Hoover.

Q. Did you discuss this with any of the officers of the Post-Intelligencer?

A. Officers? Who do you mean by "officers"?

Q. Your employer.

(Testimony of Ruth E. Givan.)

A. My employer—no, I don't think so.

Q. Are you a member of the Newspaper Guild?

A. Yes, sir.

Q. In Seattle?

A. The Seattle Chapter, American Newspaper Guild.

Q. Is Mr. Honig a member of that newspaper guild? A. Yes, he is.

Q. How long have you been a member of that Guild?

A. I have been a member of it since the summer of 1937, when they first organized the Guild in the Commercial departments.

Q. Do you know how long Mr. Honig has been a member of that Guild? A. No.

Q. Is he still a member?

A. Yes, he is still a member.

Q. In good standing?

A. I wouldn't know that.

Q. Do you attend meetings of this newspaper Guild? A. Regularly.

Q. Does Mr. Honig? [3988]

A. Most of the time.

Q. Isn't it a fact that Mr. Honig has been very active in this newspaper Guild in exposing Communist members?

A. Yes, Mr. Honig has been very active.

Q. Do you know Robert Camozzi—C-a-m-o-z-z-i?

A. Yes, I know him.

Q. Is he a friend of yours, socially?

(Testimony of Ruth E. Givan.)

A. He works with me. I know him.

Q. He works in what capacity?

A. In the Post-Intelligencer Building in the Circulation Department.

Q. In the Circulation Department?

A. Yes.

Q. Are you on friendly terms with him?

A. Yes, I am on friendly terms with him.

Q. Socially? A. No.

Q. Does he visit at your home?

A. He never has.

Q. Have you or your husband ever visited at his home? A. No.

Q. Is Mr. Camozzi married? A. Yes.

Q. Do you know his wife?

A. Yes, I do. [3989]

Q. Have you ever visited with her?

A. Not in her home.

Q. How long have you known Mr. Camozzi?

A. Oh, since about 1936, I would say.

Q. 1936. Is he also a member of the Newspaper Guild? A. Oh, yes.

Q. Did you discuss this matter with Mr. Camozzi? A. This particular matter?

Q. Yes.

A. Well, we all discussed it together. I believe I mentioned it to him in the course of the general conversation around the building.

Q. Did you discuss this with him in particular?

A. No, not particularly; no more than with anybody else. We were all discussing it.

(Testimony of Ruth E. Givan.)

Q. Well, now, do you know if Robert Camozzi is a member of the Communist Party?

Presiding Inspector: Who?

Mr. Del Guercio: Robert Camozzi.

A. No, I don't.

By Mr. Del Guercio:

Q. You don't know? A. No.

Q. Hasn't he been exposed in the Newspaper Guild as a Communist?

A. He has been accused of it, but it has never been [3990] proven.

Q. It has never been proven? You never heard about him being a member of the Communist Party?

Mr. Gladstein: Just a moment.

By Mr. Del Guercio:

Q. You have never heard that?

A. I have heard him accused of being a member of the Communist Party.

Q. Who did you hear accuse him?

A. Nat Honig.

Q. How many times did Nat Honig accuse him of being a member of the Communist Party?

A. I heard him say it twice; maybe he said it more often than that.

Q. Did he ever accuse you being a member of the Communist Party?

A. Not to my knowledge.

Q. Wasn't Mr. Camozzi thrown out of the Newspaper Guild because he was a member of the Communist Party? A. I should say not.

(Testimony of Ruth E. Givan.)

Q. Is he still working in the Post-Intelligencer Building? A. Yes.

Q. Did you ever belong to the Socialist Party?

A. To the Socialist Party? [3991]

Q. Yes. A. No, I never did.

Q. Were you active in Socialist Party matters?

A. No.

Q. Were you ever discharged from the Post-Intelligencer?

A. Yes; I was discharged in the summer of 1937.

Q. Have you ever attended meetings of the Communist Party? A. No, I never have.

Q. Any open meetings?

A. Oh, I attended a social gathering, which might have been construed as being an open meeting. I wouldn't know whether it was a meeting or not.

Q. When was that? A. When was that?

Q. Yes.

A. Oh, I think that was some time about 1938 or 1939. I couldn't be exactly sure. Probably it was in the summer of 1938.

Q. Where did this occur?

A. At the home of one of the Newspaper Guild members.

Q. Whose home?

A. Mr. Claude Smith.

Q. And who were present?

A. Oh, there were quite a number of people present. Claude Smith and his wife were the host

(Testimony of Ruth E. Givan.)

and hostess; and Bob [3992] Camozzi and his wife were there; Nat Honig was there. I can't recall all the people who were there.

Q. Can you recall any others?

A. I don't know that I can. I think probably Ellen McGrath was there.

Q. Any others?

A. Oh, there were several other people whose names I don't know.

Q. Was your husband there?

A. No; my husband was not there.

Q. Did you say it was a social affair?

A. It was.

Q. What kind?

A. It was just a gathering. There was a speaker there and we had refreshments afterward, and sat and talked.

Q. Who was the speaker?

A. I don't recall the speaker's name.

Q. What did he speak about?

A. He was talking about Communism in Russia, about the Red Army, I think.

Q. Was it announced that he would speak?

A. Yes. That is why I went. I went to hear him speak.

Q. And do you remember anything else he spoke about other than Communism in Russia?

A. Well, they talked about the Consumers Union, which I [3993] was somewhat interested in, and somebody had some copies of it for sale and we talked about that. There was a general dis-

(Testimony of Ruth E. Givan.)

cussion about how you could buy things for less money if you observed the Consumers Union carefully.

Q. Was there more than one speaker?

A. No. There was only the one speaker that I recall.

Q. Who was the Chairman of the meeting?

A. Why, I am not sure that there was a chairman. It seemed to me like Mr. Smith had something to do with it.

Q. Did he call the meeting to order?

A. I don't know that it really was called to order, or he sort of led the discussion.

Q. Did he speak?

A. He didn't make a speech, no. This other man made a speech.

Q. Did Mr. Smith make an announcement, did he say anything before the speaker spoke?

A. I think he introduced the speaker. I really don't recall very definitely what transpired.

Q. Can you recall what he said substantially?

A. No, I can't recall anything in particular that was said, excepting a discussion, as I said, of the Red Army. I just remember that.

Q. How many people were present?

A. How many people?

Q. Yes. [3994]

A. There might have been eight or ten people present. It was a small living room and we were sitting around on extra chairs.

Q. Did the speaker stand up?

(Testimony of Ruth E. Givan.)

A. Yes. He stood up while he was talking.

Q. I don't know whether I asked you this or not. Was there more than one speaker?

A. Only one that I recall.

Q. Did Mr. Honig speak?

A. We had a kind of a general friendly discussion and he chatted with us and discussed, but he didn't stand on his feet and make a speech that I recall.

Q. You were discussing Communism?

A. We were all talking about Communism.

Q. Did you attend any other meeting of the Communist Party?

A. No, I never attended any other meeting.

Q. Did you participate in any Communist demonstrations there in Seattle?

A. Demonstration?

Q. Parades or demonstrations?

A. Never.

Q. Do you know Dr. John Lake?

A. No, I don't.

Q. You know, do you not, that Mr. Camozzi is being [3995] investigated by the Immigration and Naturalization Service as an Alien Communist?

A. No, I never heard that.

Q. What? A. I have never heard that.

Q. You never heard that? A. No.

Presiding Inspector: That is what she said.

Mr. Del Guercio: I didn't hear her. I repeated it only because I wasn't sure that I heard it.

(Testimony of Ruth E. Givan.)

Presiding Inspector: Very well. Speak a little louder.

The Witness: Thank you, Judge.

By Mr. Del Guercio:

Q. Now, who served the subpoena on you, Mrs. Givan?

A. A man who said his name was Schwandt—S-c-h-w-a-n-d-t I think—U. S. Marshal.

Q. Did you have any discussion or any conversation with him at the time he served the subpoena on you?

A. Again, please?

Q. Did you have any conversation with him at the time he served the subpoena on you?

A. Yes, I had a brief conversation with him.

Q. Did you tell him of this incident that you are now testifying about?

A. Yes. I told him that I thought I was being called to [3996] testify to what I had seen across the street.

Q. And did you tell him that you saw two detectives arrest one of the men who was a witness for the Government?

A. Yes. I think I told him something approximately in those words.

Q. And did he, Mr. Schwandt, ask you how you knew that these people were detectives?

A. I don't recall definitely. He probably did ask me that.

Q. And didn't you reply that you didn't know?

A. I told him I was personally acquainted with

(Testimony of Ruth E. Givan.)

one of them and that she was a detective and always had been a detective for Frederick & Nelson.

Q. And didn't you also tell this Mr. Schwandt that these so-called detectives might have just stopped Honig and talked to him?

A. I did not say that.

Q. And didn't you thereafter say that you had a notion not to say anything about the incident?

A. I told him that I regretted having to mention it; that it had forced me to make the trip under subpoena.

Q. Did you tell him that because you weren't sure of what had occurred, or what you saw, that you had a notion not to say anything about it?

A. Oh, no, I didn't say that. I was perfectly positive about what I saw, but I regretted what I saw had forced me to [3997] make this trip.

Q. As a matter of fact, didn't you say to persons in the Post-Intelligencer Building that you were glad of the opportunity to come down to San Francisco?

A. No, I did not. I regretted having to leave Seattle at this time.

Q. Didn't you express yourself in this way, in the presence of a number of people: That you were glad of the opportunity to take a trip to San Francisco at Bridges' expense?

A. I did not say any such thing.

Q. Did you ever have any quarrels with Mr. Honig?

A. What?

(Testimony of Ruth E. Givan.)

Q. Did you ever have any quarrels with Mr. Honig? A. No; no personal quarrel.

Q. Are you friendly with him?

A. I am acquainted with him, yes; I speak to him.

Q. How many persons have you talked to concerning Mr. Honig's reputation for truth and veracity?

A. It would be hard to give you an exact figure. I could estimate it.

Q. Will you do that?

A. Oh, I have discussed it with 15 or 20 people.

Q. All employees in the Post-Intelligencer Building? A. Right.

Q. Did you discuss it with anyone outside the Post- [3998] Intelligencer Building?

A. Yes; with Mr. Margolis, the attorney.

Q. Anyone else besides anyone connected with the Bridges defense?

A. Well, with Mrs. Amo—A-m-o—the house detective at Frederick & Nelson.

Q. You say you discussed this with about 15 or 20 people in the Post-Intelligencer Building. Will you give me the names of those people, please?

A. Well, I will try. That is just a guess, because we have talked about it so much and among so many of us, but I will endeavor to give you as many as I can name. Miss Lee—

Q. (Interposing) These are all employees of the Post-Intelligencer, in the Post-Intelligencer Building?

(Testimony of Ruth E. Givan.)

A. Right. Miss Hoover, Miss Bernstein, Mrs. Stark, Miss Bertucci, Mr. Thomas—

Q. (Interposing): Mr.? A. Yes.

Q. Thomas?

A. Right. Mr. Erickson, Cliff Noble, Marie Pearl, Frances Webster.

Q. I didn't get the first name.

A. Frances Webster.

Q. Is that a woman? A. Yes. [3999]

Q. Anyone else?

A. Oh, I think that is all I can recall definitely. We have discussed this in groups and singly around the building, so it has been a matter of general conversation.

Q. Is that since Mr. Honig has appeared here to testify in the Bridges case?

A. No; since we saw him picked up.

Q. Since you saw him picked up, this incident that you testified about?

A. Since the incident I described.

Q. Did you talk about Mr. Honig's reputation prior to that time?

A. Oh, we didn't have any particular reason to discuss it. I don't know that we did.

Q. Did you have any recollection of having discussed Mr. Honig's reputation for truth and veracity before the incident that you speak of?

A. We discussed him as a potential Executive Secretary for the Guild. He was running for that position.

Q. I am not asking you for a conversation. I

(Testimony of Ruth E. Giván.)

am asking if you discussed it. Will you answer that "Yes" or "No"?

A. He was discussed; yes.

Q. You say he was discussed. My expression was, did you discuss it with anyone, Mr. Honig's reputation for truth and veracity, prior to the incident that you have testified to [4000] here today?

Presiding Inspector: Your question should be: Did you discuss his truth and veracity as well as his reputation?

Mr. Del Guercio: Yes.

Presiding Inspector: The fact—what his character was in that respect?

A. I can't give a "yes" or "no" answer. I may say that his character and his reputation were discussed. We did not specifically discuss his truth and veracity.

By Mr. Del Guercio:

Q. Did Mr. Honig ever hold any office in the Newspaper Guild?

A. Yes. He was a member of the Executive Board.

Q. He was a member of the Executive Board for how long a period?

A. Oh, I think about two years.

Q. And what years were they?

A. I should think probably 1939 and 1940. I am not sure about that.

Q. Is he a present member of the Executive Board of the Newspaper Guild in Seattle?

A. No.

(Testimony of Ruth E. Givan.)

Q. When did his services as such terminate?

A. He wasn't reelected last time.

Q. And do you know when that was, you said—

[4001]

A. (Interposing): January.

Q. 1940 or—

A. (Interposing): January 1941.

Q. Then up to January 1941 he was on the Executive Board of the Newspaper Guild of which you were and are a member?

A. That is right. I wouldn't be sure that he was a member during 1940. I know that he was a member previously during the time that I was a member. I haven't paid so much attention to who were the members there last year. [4002]

Q. Well, you say he was on the Executive Board for pretty nearly two years?

A. On the Executive Board during the time I was a member of the Executive Board. I am not sure whether he was a member in 1940 or not. I know he is not at the present time.

Q. That he is not at the present time?

A. Yes.

Q. What was his reputation for truth and veracity during the time that he was on the Executive Board? A. Oh, it was never Discussed.

Q. You served on the Board with him?

A. Right.

Q. You attended social functions with Mr. Honig? A. No.

(Testimony of Ruth E. Givan.)

Q. At no time? A. No.

Q. Then, this meeting that you described at Mr. Smith house was not a social affair, was it?

A. That was a social affair. Generally, that sort of an open meeting was a social affair.

Q. Mr. Honig was there?

A. He was present.

Q. How long have you been a member of the Consumers' Council?

A. Of what organization? [4003]

Q. Are you a member of the Consumers' Council? A. I am not a member.

Q. Are you a member of the Washington Commonwealth Federation? A. No.

Q. Have you ever been a member?

A. No.

Q. Of that organization? A. No.

Q. Did you ever attend meetings of that organization?

A. I went to one of their conventions once.

Q. One of their conventions. When was that?

A. Oh, they held it over in the Music Hall Theatre about 1937, I think.

Q. In what capacity did you go to their convention?

A. In no capacity; as an auditor, listener.

Q. Any other meetings of that organization?

A. No.

Mr. Del Guercio: That is all, your Honor.

(Testimony of Ruth E. Givan.)

Redirect Examination

By Mr. Gladstein:

Q. Mrs. Givan, you mentioned in answer to one of Mr. Del Guercio's questions that you had a conversation with Mrs. Amo, the store detective?

A. That is right. [4004]

Q. When did that conversation take place with relation to the actual incident that you have described?

Mr. Del Guercio: If your Honor please, I object to that. I didn't go over the conversations.

Presiding Inspector: No, but you asked about it, so we will find out when it took place.

A. About one hour afterwards.

By Mr. Gladstein:

Q. Where did it take place?

A. In Frederick & Nelson's department store.

Q. Who was present?

A. Mrs. Amo and myself.

Q. At that time did Mrs.—withdraw that.

Mrs. Amo, is she one of the store detectives?

A. She is.

Q. At that time did Mrs. Amo tell you that Mr.—

Mr. Myron (Interposing): I object to any private conversation.

Presiding Inspector: I think—

Mr. Gladstein (Interposing): I withdraw that.

By Mr. Gladstein:

Q. Will you tell us in substance what that con-

(Testimony of Ruth E. Givan.)

versation was only in so far as it concerns Mr. Honig.

Mr. Myron: I object to that.

Presiding Inspector: I will sustain the objection.

Mr. Gladstein: Then I make an offer to prove that if the—

Presiding Inspector (Interposing): You will have to [4005] produce Mrs. Amo; you will have to produce Mrs. Amo.

Mr. Gladstein: We will?

Presiding Inspector: Yes. You can't show what Mrs. Amo said as original proof when she is within your power to produce here.

Mr. Gladstein: Well, you see, for example, Mr. Del Guercio raised the question as to what Mrs. Givan has told—

Mr. Myron (Interposing): No, there is no such testimony.

Mr. Gladstein: I haven't finished yet, your Honor.

Presiding Inspector: Go on, Mr. Gladstein. Don't interrupt. Let's find out what Mr. Gladstein has to say. Go on.

Mr. Gladstein: Mr. Del Guercio raised the question, which, at least, had an inference, an implication, when he asked Mrs. Givan whether she hadn't told this marshal, who was serving a subpoena on her, that the two detectives had seized Mr. Honig, and I wanted it very clear in the record that one of

(Testimony of Ruth E. Givan.)

the detectives was this woman, Mrs. Amo, and, I think, we are entitled to the other name if Mrs. Givan knows it and also to the balance of testimony in order to bring out the details which have been asked for on cross examination.

Presiding Inspector: I don't think you can have the original proof of what happened to Mr. Honig through a conversation which Mrs. Amo had with this witness. The only thing [4006] that she said, as I recall it, was that she had discussed this with Mrs. Amo, and Mrs. Amo was a detective.

Mr. Gladstein: Yes.

Presiding Inspector: Now, what difference does it make what Mrs. Amo said?

Mr. Gladstein: Well, I think I am entitled to make an offer of proof, at any rate, so the record will be clear.

Presiding Inspector: No, I don't think so. You can call Mrs. Amo if you think it is of importance enough.

Mr. Myron: If the Court please—

Presiding Inspector (Interposing): Not to affect the credibility of this witness.

Mr. Gladstein; No, I understand.

Presiding Inspector: But to prove what happened on the incident.

Mr. Gladstein: The incident itself but not the conversation. All right, I see, your Honor.

Presiding Inspector: It would be too remote.

Mr. Gladstein: Of course, lots of hearsay has been allowed.

(Testimony of Ruth E. Givan.)

Presiding Inspector: That is true.

Mr. Del Guercio: Your Honor, I have in mind the witness before her. I didn't read into the record what that arrest report showed or make any offer of proof as to it.

Presiding Inspector: No.

Mr. Del Guercio: It is the same circumstance here. [4007]

Presiding Inspector: Not quite the same.

Mr. Del Guercio: Similar, of course.

Presiding Inspector: Merely to his credibility. This is as to a matter that you yourself brought out, Mr. Del Guercio.

Mr. Gladstein: That is correct. Not only that, on cross examination Mr. Del Guercio asked Mrs. Givan as to who the people were she talked with, and so on, concerning Mr. Honig.

Presiding Inspector: It was to bring out how her recollection was so firm, that is all.

Mr. Gladstein: Does that mean we are not entitled to go into the actual conversations that Mrs. Givan had with the people whose names she has given in response to Mr. Del Guercio?

Presiding Inspector: That is an entirely different matter.

Mr. Gladstein: I see.

By Mr. Gladstein:

Q. Now, you were asked by Mr. Del Guercio

(Testimony of Ruth E. Givan.)

whether a Mr. Camozzi, I think, had been accused of being a Communist. I think you said he had been by Mr. Honig. A. That is right.

Q. Will you state whether or not Mr. Honig had made similar accusations against other members of the Newspaper Guild, and if so, what proportion of that membership?

A. I would say he has probably accused about half the Guild of being Communists.

Q. Now, you were asked if you had ever been discharged [4008] from the Post-Intelligencer and you said "Yes, in 1937." What were the circumstances under which you were discharged?

A. I was discharged, as the Labor Board later found, for organizing the Newspaper Guild in my department, and I was reinstated under a Labor Board order and paid my back pay for the two years that I was away.

Q. Do you know what the official title of that case is, Mrs. Givan?

A. Well, it is National Labor Relations Board case against the Seattle Post-Intelligencer.

Q. And was there a finding by the Labor Board that your discharge had been discriminatory for union activities?

Mr. Myron: Is this leading, or are you going to ask the witness if she has knowledge of—

Presiding Inspector (Interposing): I don't see that is very material. You have got in all that is material in this case.

(Testimony of Ruth E. Givan.)

Mr. Gladstein: They brought out the fact she was discharged.

Mr. Myron: Well, now, it is all right to ask questions.

Presiding Inspector: Yes, but you got into the case the cause of the discharge, that there was an investigation of it, and that she was reinstated and paid the back pay. I don't see anything more that you could possibly want.

Mr. Gladstein: All right, that is sufficient.

[4009]

By Mr. Gladstein:

Q. And since that order and reinstatement have you remained continuously employed by the Post-Intelligencer?

A. I have been employed there continuously ever since I was reinstated to my position.

Q. What are your politics, Mrs. Givan?

A. I am——

Q. (Interposing) What is your political affiliation?

A. Oh, I am a member of the Democratic Party.

Mr. Del Guercio: Your Honor, I object to that and move that the answer be stricken.

Presiding Inspector: Well, you asked her if she was a member of the Socialist Party and I think I will take it, therefore.

By Mr. Gladstein:

Q. And are you a member of any other organization besides the Newspaper Guild and the Democratic Party?

(Testimony of Ruth E. Givan.)

A. Yes; I am a member of one other organization, the D.A.R.

Q. The Daughters of the American Revolution?

A. Right.

Q. Mrs. Givan, have you ever met Harry Bridges?

A. Yes, I met him once.

Q. What was the occasion?

A. Well, I met him in Mr. Boettiger's office on the [4010] occasion of negotiating a labor contract for the Post-Intelligencer. Mr. Bridges came in to assist in getting a good contract.

Q. Who is Mr. Boettiger, please?

A. Mr. Boettiger is President Roosevelt's son-in-law, the publisher of the Seattle Post-Intelligencer.

Q. Was the occasion on which you met Mr. Bridges one merely of attempting to negotiate a union contract?

A. That is right.

Q. You have had no other personal contact with Mr. Bridges of any kind?

A. Never had any. I think I met him once at a Guild banquet. I think he was a speaker once several years ago, but I can't remember.

Mr. Gladstein: No further questions, your Honor.

Presiding Inspector: Anything further?

Mr. Del Guercio: Yes, if your Honor please. Counsel has brought out a new line of inquiry here.

(Testimony of Ruth E. Givan.)

Recross Examination

By Mr. Del Guercio:

Q. What reasons did the Post-Intelligencer give for discharging you in 1937?

A. Their reasons which they gave were inefficiency.

Q. And did they also give as a reason that you were "a busy-body"?

A. That was never mentioned.

Q. Now, did you testify before the National Labor [4011] Relations Board?

A. Yes, I did.

Q. Under oath? A. Yes, sir.

Q. Didn't you admit that certain statements made by you under oath before the National Labor Relations Board were not true?

Mr. Gladstein: One moment. I think I will object to that question for this reason: If counsel is referring to anything in writing I think the witness is entitled to confrontation with the specific statement, which she is supposed to have made.

Mr. Del Guercio: I am asking the question.

Presiding Inspector: He wants to show that there was an admission of false testimony.

Mr. Gladstein: You mean at some subsequent time?

Presiding Inspector: Yes.

Mr. Gladstein: I see.

Presiding Inspector: I will take it, I think.

A. I can't recall any.

(Testimony of Ruth E. Givan.)

By Mr. Del Guercio:

Q. Well, do you want some time to—

A. (Interposing) No, I don't recall any time. I don't recall any time ever having been accused of having given any false testimony whatsoever.

Q. I didn't say "accused". [4012]

Will you read the question, please?

(The question referred to was read by the reporter as follows: "Q. Didn't you admit that certain statements made by you under oath before the National Labor Relations Board were not true?")

By Mr. Del Guercio:

Q. What is your answer to that?

A. My answer is "No."

Q. Now, in answer to Mr. Gladstein's question you said that you belonged to a Democratic Club at the present time.

A. (No response.)

Q. To a Democratic Club?

A. I belong to the Democratic Party.

Q. Party. Are you a member of any Democratic Club?

A. Yes, I am a member of the Democratic Precinct Committeemen's Organization in the 34th District.

Q. 34th Precinct, isn't it?

A. 34th District.

Q. In Seattle? A. Yes, right.

Q. Now, that organization is dominated by Communists, is it not?

(Testimony of Ruth E. Givan.)

A. That is the official organization of the Democratic Party and it is not dominated by Communists.

Q. Do you know of any persons who are members of that [4013] club that are members of the Communist Party? A. Not to my knowledge.

Presiding Inspector: Now, did you understand that question?

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: You do not?

The Witness: The members of that club are all Democratic Precinct Committeemen elected in their Precincts. I do not know of any of them whom I know to be a Communist.

Presiding Inspector: I misunderstood the question.

By Mr. Del Guercio:

Q. Did you ever attend a dinner at which Mr. Bridges was present? A. A dinner?

Q. Yes.

A. There was a banquet given in the new Washington Hotel at which, as I said, I think Mr. Bridges was one of the speakers. I attended that dinner.

Q. Is that what was called a Victory Dinner in 1936? A. Yes, sir.

Q. And do you remember anyone else being present other than Mr. Bridges?

A. Mr. Boettiger, Mrs. Boettiger, practically the

(Testimony of Ruth E. Givan.)

whole Guild were there, all of their friends around Seattle. It was [4014] a very large dinner.

Q. Did you meet Mr. Bridges there?

A. I didn't meet him; I just saw him there—I think I saw him. I don't remember for sure whether he was one of the speakers that day.

Mr. Del Guercio: That is all.

Redirect Examination

By Mr. Gladstein:

Q. This 1937 Victory Banquet—withdraw that. Was it in '36 or '37, do you recall?

A. Well, that was in—it was a celebration of the original victory of the Guild in the P. I. strike, and, I believe, it was in the year of 1936.

Q. And when you say victory in that strike, what do you have reference to?

A. Well, the Guild had been on strike against the Post-Intelligencer and the paper was closed for three months, and we won the strike and succeeded in getting the Guild recognized as the union.

Mr. Gladstein: I think that is all.

Presiding Inspector: That is all.

(Witness excused.)

Presiding Inspector: Can you make any progress in the next five minutes?

Mr. Gladstein: No, your Honor.

Presiding Inspector: We will recess until two o'clock. [4015]

(Whereupon, at 12:25 o'clock P. M. a recess was taken until 2:00 o'clock P. M. of the same day.) [4016]

After Recess

2:00 o'clock P. M.

Presiding Inspector: All right, Mr. Gladstein.

Mr. Gladstein: Your Honor, our next witness is Henry Schmidt.

I wish to make a statement before I put him on the stand.

On the day that Mr. Honig testified—that was April 21—in the afternoon of that day Mr. Schmidt was in the court room as a spectator. Mr. Honig pointed Mr. Schmidt out from the stand. This was on page 1473 of the transcript. I mention this simply to show that it occurred about 30 pages before the end of the day's session.

As the testimony will reveal, your Honor, Mr. Schmidt could not have anticipated that he would be mentioned and that he would have occasion not to be present in court on that occasion.

Since that day, on Tuesday of this week, I believe, Mr. Schmidt, close to the noon recess, came to this building for the purpose of seeing Mr. Bridges and, believing that the session had ended that morning because there was no line of people outside, he came into the court room and a guard told him to sit down. And he did sit down during the testimony of Mr. Graham for five or ten minutes.

I make those statements frankly because we want it under- [4017] stood that no effort has been made to violate the rule that your Honor has laid down.

Mr. Del Guercio: Was that the only occasion that he was in the court room?

Mr. Gladstein: Have there been any other occasions?

Mr. Schmidt: Prior to Tuesday I was here three times, I believe.

Mr. Gladstein: When?

Mr. Schmidt: I can't remember the dates.

Mr. Gladstein: Seated in the court room?

Mr. Schmidt: Yes.

Mr. Gladstein: Do you recall who you heard testify—was it during the testimony of any witness who mentioned you, outside of Mr. Honig?

Mr. Schmidt: No.

Mr. Del Guercio: Weren't you sitting there at counsel's table several days?

Mr. Schmidt: Yes; three times I believe—four times all together.

Mr. Del Guercio: Didn't you come in on a pass from counsel, at the request of counsel?

Mr. Gladstein: He came in as a member of the Longshoremen's Union. We have extended the same courtesy to other members of that union and to its Negotiating Committee.

Mr. Myron: Who are going to be witnesses?

[4018]

Presiding Inspector: We had better take the testimony. We won't exclude this witness. Have him take the stand. He can explain this on the witness stand if anyone deems it material, and it may be.

Raise your right hand.

HENRY A. SCHMIDT

called as a witness on behalf of the Alien, having been first duly sworn, testified as follows:

Presiding Inspector: Give your name and address to the reporter.

The Witness: My name is Henry Schmidt, S-c-h-m-i-d-t, 1156 Sanchez Street.

Direct Examination

By Mr. Gladstein:

Q. That is in San Francisco, is it, Mr. Schmidt?

A. That is right.

Q. How long have you lived in San Francisco?

A. Almost 24 years.

Q. Are you a man of family?

A. Yes, sir.

Q. What does your family consist of?

A. Wife and one daughter.

Q. And you reside with them, do you, at the address you have just given?

A. That is right.

Q. What is your occupation? [4019]

A. I am an official of the Longshoremen's Union.

Q. Of what city?

A. San Francisco.

Q. Before becoming an official of the longshoremen's Union did you engage in the work of longshoring?

A. That is right.

Q. When did you begin doing longshore work?

A. Either '27 or '28.

Q. 1927?

A. That is right.

Q. Or 1928?

A. Thereabouts.

(Testimony of Henry A. Schmidt.)

Q. And in what city did you begin to do longshore work? A. San Francisco.

Q. Have you since that day been continuously employed as—not continuously—but been doing the work of a longshoreman except for those periods when you were an officer of the Union?

A. That is correct.

Q. You know Mr. Harry Bridges?

A. Yes, sir.

Q. Do you remember when you first met him?

A. My best recollection is 1933.

Q. Do you remember where you met him, where generally, that is?

A. This wasn't exactly a meeting between us. It was— [4020] the first time that I recollect seeing him was at a meeting of the Longshoremen's Union in the Building Trades Temple where he took the floor and made some remarks.

Q. Did you become personally acquainted with him after that meeting?

A. Yes; my recollection is that after the meeting was over I went to him and we discussed some of the matters that were discussed during the meeting.

Q. Now, before obtaining the position with the San Francisco Longshoremen's Union that you have just mentioned had you previously held other Union offices?

A. Yes. I have held several positions in the Union of the Longshoremen, such as Executive Board member and so forth.

Q. When did you hold your first Union office?

(Testimony of Henry A. Schmidt.)

A. I was elected as a member to the Executive Committee of the Longshoremen's Union in San Francisco in 1933, about August or September of that year.

Q. For how long did you serve in that capacity?

A. Well, that would be a term of twelve months.

Q. And when you say you were elected will you please state by whom?

A. By the membership of the men that—by the membership of the Union.

Q. Which union are you referring to? [4021]

A. At that time it was known as the International Longshoremen's Association, Local 3879.

Q. Did you hold any union office or position during the 1934 Maritime Strike?

A. Yes, sir.

Q. What position or positions did you hold?

A. I was a member of the local's Executive Committee. I was assigned, or, rather, elected to the Publicity Committee that functioned during that strike. I was a member of the Strike Committee and the Strike Committee elected four others and myself as delegates to the Joint Marine Strike Committee.

Q. What was the Joint Marine Strike Committee?

A. It was a body that was representative of all the striking unions in San Francisco.

Q. In that year of 1934 did you represent your Longshoremen's Union at any convention?

(Testimony of Henry A. Schmidt.)

A. Yes; in February of 1934 there was a Pacific Coast Convention of the International Longshoremen's Association—that was held in San Francisco—and I was a delegate representing the Local Union.

Q. When did you first become President of the San Francisco Longshoremen's Union?

Mr. Del Guercio: No evidence that he was President.

Mr. Gladstein: I will withdraw that.

By Mr. Gladstein:

Q. Have you ever been President of that Union? [4022] A. Yes, sir.

Q. When did you first become President of the Union? A. I believe '36 is the year, 1936..

Q. Is that the Chief Executive position of that local union? A. I would say yes.

Q. And how is election to the office obtained?

A. The method that we follow is that one must be nominated by presenting to the membership meeting a so-called nomination blank which is signed by 50 members in good standing. If the nominations are approved at a membership meeting the name of the candidate so nominated then appears on the ballot and thereupon a secret or referendum election takes place. Sometimes, we have used the ordinary paper ballot, but during

(Testimony of Henry A. Schmidt.)

recent years we use the voting machines which we rent from the City of San Francisco.

Mr. Del Guercio: I move that the last part of the answer be stricken.

Presiding Inspector: Well, I don't think it is very material. I think I will let it stand for what it is worth.

By Mr. Gladstein:

Q. How many longshoremen were there in the San Francisco Longshore Union in 1936 as of the time when you were elected President?

Mr. Del Guercio: I object to that question.

[4023]

Presiding Inspector: Let me hear that question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I will take it.

A. I think there were in excess of 3000.

Presiding Inspector: I presume you are going to connect this up in some way?

Mr. Gladstein: That is for the purpose—

Presiding Inspector: (Interposing) Of identification.

Mr. Gladstein: Yes.

By Mr. Gladstein:

Q. What was the answer, please, Mr. Schmidt?

A. I think the number was in excess of 3000.

Q. And has the membership of that Union since that date been substantially the same?

(Testimony of Henry A. Schmidt.)

A. No; there are approximately 4000 members now.

Q. For how long were you elected as President of the Union in 1936? A. Twelve months.

Q. And what was the official name of that union at that time?

A. International Longshoremen's Association 38-79.

Q. Local 38-79? A. Right.

Q. What does the "38" refer to? [4024]

A. That was the number that was given to the Local by the International Convention of the ILA, I believe; and there appeared between the number "38" and the other number "79" a dash; and the "79" indicated the Local number.

Q. Did the "38" refer to the Pacific Coast District?

A. That is right. All the locals on the Pacific Coast were known as "38" and in our case, "79", and in the case of the San Pedro Local, "81".

Q. Now, in 1936 did you hold any office or position in connection with the strike that took place in that year? A. Yes.

Q. What position or positions did you hold?

A. I was President of the Union. I was Chairman of the Local Union Strike Committee. I was a delegate representing the Local Union to the Joint Marine Strike Committee. I believe that at that time I was a member of the Pacific Coast Executive Committee and also a member of the Negotiating Committee.

(Testimony of Henry A. Schmidt.)

Q. What was the Negotiating Committee?

A. The Negotiating Committee attempted to negotiate with the employers a contract.

Q. How would a person be selected for a position on the Negotiating Committee?

A. At that time I believe the method was that the Coast Executive Committee were designated by the Convention as the [4025] Negotiating Committee.

Q. How did one secure a position on the Coast Executive Committee?

A. First one had to be a delegate to the convention.

Q. A convention of the entire Pacific Coast District?

A. That is right. Then one had to be nominated in the convention, and the name of the candidate was then referred to the entire membership on the Coast.

Q. You mean there was an election?

A. There was an election held and naturally the candidate receiving the highest number of votes would be elected to the Executive Committee.

Q. Now, the convention that you mentioned was of the ILA District 38, is that correct?

A. That is right.

Q. Were such conventions held annually or semi-annually, or when?

A. Annually.

Q. Then do I understand that in 1936 at a convention to which you were a delegate you were

(Testimony of Henry A. Schmidt.)
nominated to become a member of the Pacific Coast District Executive Board?

Mr. Del Guercio: Who is testifying, the attorney or the witness?

Presiding Inspector: He is repeating it. I suppose it is improper. [4026]

Mr. Gladstein: It is preliminary to the next question.

Presiding Inspector: Go ahead.

By Mr. Gladstein:

Q. Would that be correct?

A. To the best of my recollection, yes.

Q. And the elections that were held returned you to an office on that committee, is that correct? A. That is right.

Q. Are these secret elections?

A. Yes. The Pacific Coast elections are secret, I believe, inasmuch as every member receives a paper ballot and he has an opportunity to step into a booth and mark it as he wishes.

Q. In a general way will you state who the people are who participate in such elections, the men who vote at these elections, who they are, and over how broad an area do they cover?

A. Well, all of the longshoremen and warehousemen, scalers, bargemen, ship clerks, who are members of our organization up and down the Pacific Coast, from the Canadian line to the Mexican border, in all the ports.

Q. And all of them participate in the elections?

A. That is right.

(Testimony of Henry A. Schmidt.)

Q. And what is their total number, or what was it as of, say, 1936? [4027]

A. I can only estimate it, guess at the number; there may have been 15,000.

A. Did you hold any union office in 1937?

A. Yes. I was still President of the Union.

Q. Well, when your term expired, the one-year term, did you run for office again?

A. Yes. I ran again in the Fall of 1937 and was reelected.

Q. In that year did you hold any other Union office?

A. Yes. I was elected President of District Council No. 2 of the Maritime Federation of the Pacific.

Q. What was the Maritime Federation of the Pacific?

A. The Maritime Federation of the Pacific is an association, an amalgamation or organization of all maritime unions on the Pacific Coast.

Q. Which unions specifically are included that you can recall at the moment?

A. Well, first, there was ours, that is the then ILA, now the ILWU, the Marine Engineers, the Sailors Union—

Q. (Interposing). That was as of 1936-1937?

A. Yes—the Masters, Mates and Pilots, the Marine Firemen, the Radio Operators, and I think that is all that comes to mind right now.

Q. Now what, if you know, was the total membership represented by the Maritime Federation?

(Testimony of Henry A. Schmidt.)

A. It must have been well over 50,000.

Q. You mentioned District Council No. 2. Were there several District Councils of the Maritime Federation of the Pacific?

A. Yes; there were four—one in Seattle, another in Portland, another in San Francisco and still another in San Pedro.

Q. And which was the one designated as District Council No. 2?

A. The one in San Francisco.

Q. And how did you secure your office in that Council?

A. The delegates who represented the several unions that were a part of the Council elected me.

Q. Well, did all of the unions that belonged to the Maritime Federation have the right to send delegates to each District Council?

A. Yes; they were required to send delegates.

Q. Did the delegates, upon assembling, select their own presiding officers? A. Yes.

Q. Were you elected to that position?

A. That is right.

Q. For how long did you hold it?

A. One year.

Q. Were you in that year a member of the Labor Relations [4029] Committee?

A. During the years that I was President of the Union I was not a member of the Labor Relations Committee; during the years that I was not President then I was a member of the Labor Relations Committee.

(Testimony of Henry A. Schmidt.)

Q. What is the Labor Relations Committee?

A. The contract under which we are functioning has a provision which requests the parties to the contract to set up a so-called Labor Relations Committee, a representative of employers and the Union. There are in San Francisco six persons on this Committee; three of them representing the Union, three of them representing the employers, and they meet once each week to adjust any dispute that might have developed during the week between meetings.

Q. Now, I think you said that you were re-elected in 1937 as President of the Union for a one-year term. That would take you into 1938, is that correct? A. Right.

Q. When, in 1938, did your term expire?

A. In September or October.

Q. Did you run again for election for President? A. No.

Q. Was there a reason? A. Yes.

Q. What was it? [4030]

A. There is a provision in the Constitution of the Local Union which says that you can be a paid officer of the Union for two consecutive terms provided you are reelected for the second term. Upon the expiration of the second term it is compulsory to not run again for any paid office.

Q. That is at the next succeeding election?

A. Right.

Q. You don't mean to say that once you held

(Testimony of Henry A. Schmidt.)
the office of President for two terms that you can never again hold it?

A. That is not what I mean to say.

Q. Then between—withdraw that. During the year from September or October 1938 to September or October of 1939 you were not President of the Local? A. That is right.

Q. You were on the Labor Relations Committee during that period?

A. I was on the Labor Relations Committee and on the Executive Committee.

Q. Now, at the end—withdraw that. Coming now to September or October of 1939, did you again run for any office in the Union?

A. I ran for President and was elected.

Q. Was that also for a one-year term?

A. That is correct.

Q. And at the conclusion of that term in the fall of [4031] 1940 did you again stand for office?

A. I did.

Q. For which office?

A. The office of President and I was re-elected.

Q. And you now hold that position?

A. That is right.

Q. Have you held any other union positions?

A. I may have skipped some, but that is all I can remember right now.

Q. Have you held any position with Labor's Non-Partisan League?

A. Oh, yes, as a member of the State Executive Committee.

(Testimony of Henry A. Schmidt.)

Q. And what, in general, is Labor's Non-Partisan League?

A. Labor's Non-Partisan League might be called a political organization that attempts to, or, rather, does interest itself in legislation and occasionally sends lobbyists to the State Capitol to look out for Labor's interests so far as legislation is concerned. [4032]

Q. Is it a national organization? A. It is.

Q. Your connection with it, was your connection one direct to the national organization or to some subdivision of it? A. State.

Q. State of California? A. Right.

Q. Have you ever held any office for or with any Industrial Union Council?

A. You mean here in San Francisco?

Q. Anywhere?

A. Oh, yes. I was Secretary of the San Francisco Industrial Union Council for a short time. That was temporarily while the regular Secretary was ill and was on vacation.

Q. What is the San Francisco Industrial Union Council?

A. It is a body that represents all of the CIO unions in San Francisco.

Q. A central body? A. That is right.

Q. It would correspond, would it, to a central labor council? A. Exactly the same.

Q. And in what period did you act as Secretary of that union council? [4033]

(Testimony of Henry A. Schmidt.)

A. I believe it was in 1939. It was that particular year when I was not President of the union.

Q. Now, Mr. Schmidt, when you were in Court Mr. Honig was on the stand. Had you ever seen him before? A. Never.

Q. Had you ever met him in any meetings?

A. Never.

Q. Had you ever attended any meetings during the 1936 and 1937 strike at which Mr. Honig was in attendance? A. Never did.

Q. Did you ever sit in any meeting with Mr. William Schneidermann?

A. Never sat in any meeting with him except that he came to a meeting of the—membership meeting of the local union on one occasion.

Q. When was that?

A. It was in 1939, I believe. Anyway, it was shortly after the so-called Russian-German non-aggression pact was signed. It developed in this manner: I think one of our union members, having read about the pact, came to the meeting with the intent to make a motion that union go on record condemning both the Hitler and the Stalin regime, and he actually did make that motion. Somebody pointed out that we should hold action in abeyance until we arranged for a debate on that particular question, and the motion to defer action carried, and the officers of the union were instructed by the

[4034]

membership to arrange for such a debate at the

(Testimony of Henry A. Schmidt.)

next meeting, or the one following that, and that was arranged.

The debators on the question of the Russian-German non-aggression pact were Mr. Schneidermann of the Communist Party and Mr. Paul Smith who, I believe, is—I know he is connected with the Chronicle but, I think, his capacity is managing editor.

Q. Who invited the speakers to debate?

A. I did.

Q. And how did you go about it, Mr. Schmidt?

A. I phoned them.

Q. How did you go about phoning Mr. Schneidermann?

A. I looked in the telephone book.

Q. For whom?

A. I looked for the Communist Party in the telephone book.

Q. Had you ever met Mr. Schneidermann prior to the time he debated?

A. I had never met him although I had seen him.

Q. Did the two speakers actually debate the question?

A. They did.

Q. Were you at the meeting?

A. I was.

Q. And it was a meeting of the Longshoremen's Union, is that correct?

A. It was a meeting of the membership of the Longshore [4035] men's Union, that is right.

Q. Did you preside?

A. I did. There were a few people admitted who were not members, who had heard about this

(Testimony of Henry A. Schmidt.)

interesting matter—I guess they thought it was of interest—and they asked permission to come, so they did.

Q. In general, it was a meeting of the Longshoremen's Union and some outsiders were allowed, is that the point?

A. It was a membership meeting of the Longshoremen's Union.

Q. How large a group attended? Could you give an estimate?

A. The hall was filled. There must have been 1600 men there.

Q. What hall?

A. Eagles Hall on Golden Gate Avenue.

Q. Is that hall normally used by the Longshoremen?

A. Every Monday night.

Q. Is that where you have your regular membership meetings?

A. That is right.

Q. Have you ever met Mr. Schneidermann on any other occasion than on the evening that he debated with Mr. Smith?

A. No.

Q. Do you know a man by the name of Richard St. Clair? [4036]

A. Well, I must admit that I know him in a sort of a way, although his name never imprinted itself on my mind until I read in the newspapers that he had been on the stand here.

Q. How did you come to know him? What was the extent of your acquaintance with him?

A. Well, I recollect that he is a waterfront

(Testimony of Henry A. Schmidt.)

character that doesn't work any more and has no visible means of support. He is——

Q. (Interposing) Do you recall—excuse me.

A. He is very deaf and his conversation is certainly not very intelligent.

Presiding Inspector: Very talkative?

The Witness: That is right.

By Mr. Gladstein:

Q. Did he ever come into your office?

A. Yes, I believe he did, but I couldn't remember what he came for.

Q. Did he ever make any impression of any distinct character on you, when you say that, I mean?

A. No impression other than I thought the guy was screwy.

Mr. Myron: Well——

By Mr. Gladstein:

Q. (Interposing) I mean as to his speaking to you on any particular subject?

Mr. Myron: Of course, that is objectionable.

Presiding Inspector: Yes, I suppose it is. [4037]

Strike it out.

Mr. Gladstein: All right, I will withdraw it.

By Mr. Gladstein:

Q. Mr. St. Clair testified in substance that at some time in 1935——

Mr. Myron: (Interposing) Are you quoting?

Mr. Gladstein: I am stating in substance—I am not quoting. I have a right to state it as in-

(Testimony of Henry A. Schmidt.)

Introductory to the question I wish to ask, your Honor.

Presiding Inspector: I can't tell without hearing it.

Mr. Gladstein: All right, then, I will start the question again.

Presiding Inspector: Yes, I didn't hear the question.

By Mr. Gladstein:

Q. In substance Mr. St. Clair testified that sometime in 1935 he saw you, Harry Bridges, John Shoenmaker, Lawrence Ross, Elmer Hanoff and either William Schneidermann or Sam Darcy—I am not sure of the record on this—meeting at 121 Haight Street.

Were you ever at a meeting of that character at 121 Haight Street?

Mr. Myron: He is apparently quoting, your Honor, from some testimony. We would like to get it very definite—

Presiding Inspector: (Interposing) You mean were those [4038] people, or a majority of them?

By Mr. Gladstein:

Q. Were those people at such a meeting?

A. Never at such a meeting.

Q. Were you ever at a meeting at 121 Height Street with anybody?

A. There was a large public meeting there one time which I attended but I couldn't for the life of me say what year that was.

(Testimony of Henry A. Schmidt.)

Q. What kind of a meeting was it?

A. I think it was advertised that a Miss Anita Whitney would speak there. There were placecards around the town, notices in the papers, and dodgers were being thrown around the waterfront.

Q. Was this a public meeting? A. Yes.

Q. Did you go? A. I did.

Q. To what extent, if any, did you participate?

A. I participated to the extent of sitting in the chair and listening to what was being said.

Q. How many people were present?

Mr. Del Guercio: If he counted them.

Mr. Gladstein: Well, Obviously he didn't. I am simply asking for an estimate. [4039]

Presiding Inspector: No, he asked for his estimate, whether it was a small meeting or a large meeting, whether there were ten, a hundred or a thousand or what?

Mr. Gladstein: That is right, your Honor.

Presiding Inspector: Your best recollection.

A. Well, it seems to me the place is, perhaps, twice as large as this room and it was filled. There may have been 300 people; maybe, the capacity was 500; I don't know.

By Mr. Gladstein:

Q. Do you remember what took place at that meeting?

A. Yes, my recollection is that this Miss Whitney made a speech.

Q. Do you remember what she spoke about?

(Testimony of Henry A. Schmidt.)

A. No. It had something to do with elections. I don't know whether it was state elections or national elections.

Q. Where in the building at 121 Haight Street was that, do you recall?

A. Yes, in the basement.

Q. Did you ever attend in that building a small meeting of six or seven people or thereabouts?

A. No.

Q. Have you ever been in 121 Haight Street on any occasion other than the one that you have mentioned?

A. I was there one time when they had a New Year's celebration and I went down there to have a look at that.[4040]

Q. What kind of celebration was it?

A. A New Year's celebration where people drink and dance and make merry.

Q. Did you attend any meetings on that occasion? A. No.

Q. Do you know a man named Maurice J. Cannalunga? A. No, sir.

Q. In substance, Mr. Cannalunga testified that shortly before the 1936-1937 strike he attended certain, what he called, fraction or top fraction meetings at which he said William Schneidermann, Harry Bridges, you, Mr. Schmidt, he, and one or two others, I believe, were present. Did you attend any such meetings? A. No, sir.

Q. Have you ever been in a meeting with Mr.

(Testimony of Henry A. Schmidt.)

Cannalonga at which any of those people named were present?

A. Will you repeat the names, again, please?

Q. Yes. Mr. Brides, Mr. Schneidermann, Mr. Cannalonga—there was one other name there.

Presiding Inspector: Do you want the reporter to read the question?

Mr. Gladstein: Yes, I think I mentioned one other name. That is my recollection anyway.

Mr. Del Guercio: Is there a question that the witness may or may not have attended meetings of some of these people? [4041]

Presiding Inspector: There is an uncertainty as to whether he mentioned someone else.

Mr. Gladstein: That is right.

Presiding Inspector: I suggest that we have the question read to refresh counsel's recollection.

(The question referred to was read by the reporter as above recorded.)

Mr. Gladstein: I think I have heard those same ones.

Presiding Inspector: "One or two others."

Mr. Gladstein: I don't recall that he mentioned who they were. I will take a look and see.

Presiding Inspector: Go ahead with those you have got.

By Mr. Gladstein:

Q. Well, with those names, Mr. Schmidt, can you state whether you ever attended any such meetings with those people present?

(Testimony of Henry A. Schmidt.)

A. I did not, because I don't know Mr. Cannalonga. I have seen his pictures in the newspapers since this hearing has started. I know positively that he and I have never met.

Q. Now, Mr. Cannalonga testified in substance that in March or May of the year 1937 in a private dining room in a hotel known as the Gowman Hotel in Seattle, Washington, he said a top fraction meeting occurred at which you, Harry Bridges, Morris Rapport, Al Bristol, Harry Jackson, Eugene Dietrich, Matt Meehan, Bruce Hannon, Burt Nelson, Ernie Fox, [4042] Harry Pilcher, Ed Fisher and Laddie Hope were present.

Did you ever attend such a meeting?

A. No.

Q. To be a little more specific, Mr. Schmidt, I want to ask you this question: Mr. Cannalonga testified in substance that in the year 1936, shortly prior to the strike in that year, he attended a meeting at a private home in San Francisco, which he called a top fraction meeting, at which he said were present the following: William Schneidermann, Harry Bridges, Walter Stack, Henry Schmidt, Eugene Dietrich, Sam Telford, David Saunders, Brown, and Pyle.

Did you ever attend any such meeting?

A. I couldn't have been there because Cannalonga and I have never seen each other.

Q. You have already stated the circumstances under which you made the acquaintance of Mr.

(Testimony of Henry A. Schmidt.)

Schneidermann. I want to ask you whether you know Walter Stäck?

Mr. Del Guercio: Just a minute. May I ask what counsel is reading from whether he is reading from the transcript or photostats?

Mr. Gladstein: This is a photostat of one of the statements of Maurice Cannalonga which the Government introduced in evidence.

Mr. Del Guercio: How were photostats—

Mr. Gladstein: (Interposing) We were allowed to have photostats made. They are statements.

[4043]

Presiding Inspector: (Interposing) They are in evidence.

Mr. Del Guercio: We had no notice they were making photostats of the evidence. How many were made? Who were they distributed to?

Mr. Gladstein: They weren't distributed to anybody. We asked Mr. Johnson to make photostats of Government's Exhibits 208, 209 and 210, which were the statements of Mr. Cannalonga that were read into the record by Mr. Del Guercio and introduced as evidence. Now, we are entitled certainly to make copies or photostatic copies. We asked him to make those photostats. I think we paid for them. I don't see that we have done anything wrong and we haven't distributed them to anybody.

Mr. Del Guercio: I think we are entitled to know how many copies were made and who they were distributed to.

Presiding Inspector: I suppose they could be

(Testimony of Henry A. Schmidt.)

distributed to anyone they wanted to give them to.

You would have a right to ask about that.

Mr. Del Guercio: To ask about it, certainly.

Presiding Inspector: That is all right. Go ahead. I think Mr. Del Guercio would be entitled to know.

Mr. Gladstein: All right, I have given him the answer. [4044]

By Mr. Gladstein:

Q. One of the men that was mentioned was Walter Stack. Do you know Walter Stack?

A. Yes.

Q. When did you first become acquainted with him?

A. I think it was in 1935 when the Maritime Federation of the Pacific held its first convention at which time we organized it in Seattle.

Q. Was Mr. Stack—excuse me.

A. (Continuing) I think he was an official of the Firemen's Union at that time, and I think he was a delegate to that convention.

Q. When you say the Firemen's Union, are you referring to the Marine Firemen's Union?

A. Yes—Marine Firemen's Union of the Pacific Coast.

Q. Do you remember whether Mr. Stack has, since you first met him, been a member of or an official of that Union?

A. I am sure that he has been a member of that particular union continuously, and he has been an official also. My recollection is that at times he was not an official.

(Testimony of Henry A. Schmidt.)

Q. Do you know whether he is now an official of that Union?

A. Yes; he is a patrolman for the San Francisco headquarters of the Marine Firemen.

Q. The name of Eugene Dietrich was mentioned by Mr. [4045] Cannalonga as being at this meeting. Do you know Eugene Dietrich?

A. Very well.

Q. When did you first become acquainted with him?

A. 1933 when the International Longshoremen's Association was organized in San Francisco.

Q. What is his union affiliation at the present time, if any, if you know?

A. As far as I know he is so-called International Representative of the International Longshoremen's Association. He makes his headquarters in San Francisco and pretends to represent longshoremen, but I don't know who they are. I don't think he has any.

Q. He is a representative of the A. F. of L., is that correct.

A. That is right.

Q. Have you ever sat in any top fraction meetings, or Communist meeting with Mr. Dietrich?

A. I haven't been at any top fraction, or fraction meeting, or Communist meeting.

Q. With anybody?

A. That is right.

Q. Sam Telford was mentioned by Mr. Cannalonga. Do you know him?

A. Yes. I remember him as a man who had something to do [4046] with the organization of the

(Testimony of Henry A. Schmidt.)

Marine Workers Industrial Union in 1933 or 1934, with the organization of the Marine Workers Industrial Union in 1933 or 1934.

Q. Did you ever have any personal contact with him?

A. He was somewhat of a strike leader in those days, during the strike of 1934, and that group organized seamen and there was cooperation and collaboration between the striking seamen and the striking shore workers.

Q. Do you know whether Mr. Telford remained a member of that Union?

A. Well, the Union, that particular Union, went out of existence some time later so I don't know how one could remain a member of a union if it dissolved.

Q. Do you know whether he became a member of any other union?

A. I think that he, like the others, became members of the then International Seamen's Union, which was affiliated with the A. F. of L.

Q. Did you ever have any contact with Mr. Telford after the 1934 strike?

A. My best recollection is that I haven't seen him in the last five years.

Q. Dave Saunders was mentioned by Mr. Cannalunga. Did you know a man by that name?

A. Yes.

Q. What does he do, or what has he done? [4047]

A. He is a longshoreman, has been a seaman.

Q. Pardon?

(Testimony of Henry A. Schmidt.)

A. He is a longshoreman at the present time and he has been a sailor in the past.

Q. Brown, a man by the name of Brown was mentioned. Do you know a man by the name of Brown who was with the ARTA? A. Yes.

Q. What was his full name, do you know?

A. His initials are Z. R., but I still don't know what they stand for, what the "Z." stands for, nor do I know what the "R" stands for.

Q. Did he ever hold any union positions?

A. Yes; he was Secretary of District Council No. 2 of the Maritime Federation while I was president of that body.

Q. Of what union was he a member, or from what union was he a delegate?

A. He was a delegate from the ARTA, which later changed its name to ACA.

Q. And what did the designation ARTA refer to?

A. ARTA stands for American Radio Telegraphists Association.

Q. And ACA?

A. American Communications Association.

Q. Do you know a man named Pyle?

A. Yes. [4048]

Q. What is his full name?

A. Roy Pyle.

Q. And from what union does he come?

A. The same union, ACA.

Q. Was he an officer of that union?

A. I wouldn't be sure whether he was a branch

(Testimony of Henry A. Schmidt.)

agent or a President of the local union, or a Secretary.

Q. Have you ever met Morris Rapport?

A. Who?

Q. Morris Rapport. A. No.

Q. Did you know a man by the name of Al Bristol? A. Never heard of him.

Q. Did you ever meet him?

A. If I haven't heard of him how could I meet him?

Q. Do you know a man named Harry Jackson?

A. Yes.

Q. When did you first meet him?

A. During the strike of 1934, or shortly prior to that.

Q. Do you know what position, union position, or otherwise, Mr. Jackson had at that time, if he had any?

A. He had some connection with the MWIU, the same as Sam Telford.

Q. Do you remember the circumstances under which you became acquainted with Mr. Jackson?

A. No; no recollection. [4049]

Q. Have you ever been in meetings with Mr. Jackson?

A. Well, there was an attempt by Mr. Jackson, made by Mr. Jackson to attend some meetings of the Joint Marine Strike Committee during 1934. He came there as a representative of the MWIU. I was a delegate to that body. The Strike Committee wouldn't recognize him, or whoever came with him,

(Testimony of Henry A. Schmidt.)

as delegates to the Joint Marine Strike Committee.

Q. Is that how you became acquainted with Mr. Jackson? A. Yes.

Q. Let me see if I have this straight; You say Mr. Jackson, representing the MWIU, sought, to be seated on the Joint Strike Committee—

Mr. Myron: (Interposing) That is repetition.

Mr. Del Guercio: Also suggestive.

Mr. Gladstein: I will withdraw it.

Mr. Del Guercio: You are putting words in the witness' mouth that he hasn't testified to.

Presiding Inspector: I think you have got, it Mr. Gladstein.

Mr. Gladstein: All right. Mr. Myron says it has been covered, and then Mr. Del Guercio says I am putting words in the mouth of the witness that he didn't use.

Mr. Del Guercio: You are doing both.

Mr. Gladstein: I don't know what the record is like now.

Presiding Inspector: It is not necessarily inconsistent. [4050]

Mr. Myron: Full of speeches.

By Mr. Gladstein:

Q. Did Mr. Jackson get seated on the Strike Committee?

A. No. There was considerable argument about their being seated or not seated. Eventually the group voted not to seat him.

Q. Since 1934 do you recall ever seeing Mr. Jackson?

(Testimony of Henry A. Schmidt.)

A. It seems I saw him walking down Market Street one day about two or three years ago. I was driving and he was walking.

Q. Have you ever been in any meeting with him?

A. Other than the one that I just described, none.

Q. Other than that one, you have not?

A. None.

Q. Do you know Matt Meehan? A. Yes.

Q. Who is he?

A. At the present time he is Secretary-Treasurer of the ILWU.

Q. What do those initials stand for?

A. International Longshoremen's and Warehousemen's Union.

Q. Will you please state briefly what the relationship is between the ILWU as of today, and the ILA as of the years when you were using that term?

A. It is exactly the same group of men who have belonged [4051] to both of those unions using first the initials ILA and today the initials are ILWU. When they were in the ILA they were members of the American Federation of Labor and since 1937, when the affiliation changed, the same men have made up the International Longshoremen's and Warehousemen's Union, known as the ILWU.

Q. And the ILWU is affiliated with what national organization?

A. Affiliated with the Congress of Industrial Organization.

Q. How long have you known Matt Meehan?

(Testimony of Henry A. Schmidt.)

A. I first met him in 1933, I believe.

Q. What kind of work was Meehan doing?

A. At that time?

Q. Yes.

A. I think he was a Portland longshoreman working there on the waterfront. He came to San Francisco to either address our Executive Committee prior to the strike, or he might have come to address the Strike Committee during the strike. I don't remember that.

Q. Is that how you became acquainted with him?

A. Yes.

Q. Have you been in meetings with him since you first met him?

A. Meetings with Meehan? [4052]

Q. Yes. A. Dozens of them.

Q. What kind of meetings have they been?

A. ILWU meetings, and prior to that ILA meetings, Maritime Federation Conventions, and such.

Q. What offices, union offices, has Mr. Meehan held during this period of time since 1934 that you can think of?

A. He has been the Secretary-Treasurer for quite a number of years, five, I believe.

Q. Of the Pacific Coast District?

A. That is right.

Q. Do you know a man by the name of Laddie Hope? A. I don't know him.

Q. What is your recollection as to whether you have ever met him?

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: He said he didn't know him, your Honor.

Mr. Gladstein: All right. I am satisfied with it.

By Mr. Gladstein:

Q. Do you know a man named——

Mr. Del Guercio: (Interposing) Unless the witness wants to change it—I don't know.

By Mr. Gladstein:

Q. Do you know a man by the name of Ed Fisher? A. No.

Q. Do you know a man named Harry Pilcher? [4053]

A. Yes.

Q. Who is he?

A. He is a longshoreman, now a member of the Portland Local, and prior to that he was a member of the Local in Everett, Washington.

Q. When did you first meet Harry Pilcher?

A. He was a delegate to the Emergency Convention held here in San Francisco in February 1934 and there I met him.

Q. From what was he a delegate?

A. He represented the Longshoremen's Union in Everett, Washington.

Q. Have you been in meetings with Harry Pilcher since you first met him?

A. Every time he would come to a convention, we would be in a convention meeting, or maybe a convention-committee meeting, or caucus.

Q. What kind of caucus?

(Testimony of Henry A. Schmidt.)

A. A caucus that they usually organize at conventions in order to talk over what the particular groups intend to bring up at the next session of the convention.

Q. Do you know Ernie Fox?

A. Yes; he is a Seattle sailor.

Q. When did you first meet him?

A. I haven't the slightest idea.

Q. Do you know whether you have ever sat in any meeting [4054] with Mr. Fox?

A. I think he was a delegate to a Maritime Federation convention one time. I think it was the first convention of the Maritime Federation that we held in 1935 that he was a delegate.

Q. Have you met him on any other occasion except when he was a delegate to that convention?

A. He was a fellow who breezes up and down the Pacific Coast quite a bit and whenever he happens to be in San Francisco he usually pays me a visit and we go out and have a couple of drinks together.

Q. Do you know Burt Nelson? A. Yes.

Q. Who is he?

A. He is a Seattle longshoreman.

Q. When did you first make his acquaintance?

A. Two and one-half or three years ago.

Q. Do you remember the circumstances?

A. No, I don't.

Q. Do you know Bruce Hannon?

A. Yes.

Q. Who is he?

A. He is also a Seattle longshoreman and has

(Testimony of Henry A. Schmidt.)

been the Secretary-Treasurer of the Maritime Federation of the Pacific.

Q. Do you remember when you first met him?

[4055]

A. I believe at that particular convention where he was elected secretary; and he came there as a delegate from the Seattle longshoremen. I think that convention was held here in San Francisco.

Q. In what year was that?

A. '38, I believe.

Q. That is the year in which he was elected to that office? A. I think so; yes.

Q. Have you ever been in meetings with Mr. Hannon since you first met him?

A. Mr.—who?

Q. Hannon, Bruce Hannon.

A. Dozens of meetings with him, during conventions and so forth.

Q. Were these trade union meetings?

A. Yes.

Mr. Gladstein: Does your Honor want to take a recess while I look through this?

I might report that I have had that appointment postponed.

Presiding Inspector: So we can go right on to four o'clock?

Mr. Gladstein: Yes.

(Whereupon a short recess was taken.)

Mr. Gladstein: Are you ready, your Honor?

Presiding Inspector: Yes. [4056]

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. Since the debate at the Longshoremen's Union between Mr. Paul Smith and Mr. William Schneidermann have you ever seen Mr. Schneidermann?

A. Oh, yes; at the funeral of J. B. McNamara about four or five weeks ago.

Q. Who was J. B. McNamara?

A. He was a man who was incarcerated in San Quentin Penitentiary for about thirty years and, according to newspapers he had something to do with blowing up the Times Building in Los Angeles, and I believe at that time he was an official of some trade union—I don't recall the name.

Q. And did you see Mr. Schneidermann at that funeral?

A. Yes. He was sitting in the auditorium. There were hundreds of people there. Lots of people were asking how they could find transportation to the cemetery, which happened to be in San Rafael, which is about, oh, 27 miles from San Francisco. Among others Mrs. Rena Mooney asked me if she could ride with me. I told her she could, and she did.

Q. Who is Mrs. Rena Mooney?

A. The wife of Tom Mooney.

As we were about to drive away I saw Mr. Schneidermann and a lady standing on the curb. I stopped and asked him if they wanted to ride with me; they said they wanted to ride with us so they rode with us. [4057]

(Testimony of Henry A. Schmidt.)

Q. Who was the lady?

A. Mr. Schneidermann's wife.

Q. Had you ever seen her before? A. No.

Q. Now, Mr. Honig testified that during the 1936-1937 strike, and for a period of several months thereafter, meetings took place—this is in substance—generally on Sunday nights and sometimes week nights, at which he said you, among others, were present, together with a man named Elmer Hanoff. Did you ever attend any meetings with Mr. Hanoff?

A. I heard this man, Honig, make that statement as I was coming in the court room and it was on the tip of my tongue to call him a liar, but I remembered that I was in a court room.

Presiding Inspector: Don't you think it would be better if you answered the question directly?

The Witness: Repeat the question.

By Mr. Gladstein:

Q. Did you ever go to any meetings with Mr. Hanoff? A. No.

Q. Do you know Mr. Hanoff?

A. No, I don't.

Q. Do you know a woman by the name of Betty Gannett? A. I don't know her.

Q. Do you know a man named Lawrence Ross?

A. No, sir. [4058]

Q. Do you know a man named Sam Darcy?

A. I have heard of him.

Q. Have you ever met him?

A. I don't think so. [4059]

(Testimony of Henry A. Schmidt.)

Q. Have you ever been in any meetings with him?

A. I recall a meeting in Dreamland Auditorium here in San Francisco at which he made a speech, but it is so long ago. It might be seven years ago; it might be eight years ago; it might be six years ago.

Q. What kind of a meeting was it?

A. Oh, I think it was what you would call a political rally.

Mr. Gladstein: You may cross examine.

Presiding Inspector: All right, Mr. Del Guercio, the witness is yours, to cross examine.

Cross Examination

By Mr. Del Guercio:

Q. Did you get orders from anyone to appear here to testify? A. Did I get orders?

Q. Yes. A. No.

Q. Did you get orders from anybody from the Communist Party to appear here to testify?

A. No.

Q. Did you get orders from Morris Rapport to appear here to testify? A. No.

Q. Did you get orders from Harry Bridges?

A. No.

Q. You say no one gave you any orders? [4060]

A. No one gave me any orders.

Q. Now, Mr. Schmidt, the purpose of this hearing is to determine whether or not Harry Bridges is a member of the Communist Party. Testimony has been given to the effect that you, among others, are members of the Communist Party, and that as mem-

(Testimony of Henry A. Schmidt.)

bers of the Communist Party you sat in Communist Party meetings with Harry Bridges.

The question that I am about to ask you is material to the issue in this case. It is: Are you a member of the Communist Party?

A. I am not.

Mr. Gladstein: One moment before the question is answered, and I have no objection to the question. I move that all of the statement of counsel be stricken up to the word "are"; and the question "Are you a member—"

Presiding Inspector: (Interposing) I think it is improper.

Mr. Del Guercio: What?

Presiding Inspector: But I don't think there is any use striking it from the record.

Mr. Gladstein: All right.

Presiding Inspector: The question is: Are you a member of the Communist Party?

The Witness: I already answered it, your Honor.

Presiding Inspector: I didn't hear the answer.

The Witness: I am not, I said. [4061]

By Mr. Del Guercio:

Q. You are not. Have you ever been a member of the Communist Party?

A. The answer is the same, I have not.

Q. Your answer is you have never been a member of the Communist Party?

A. That was my answer, yes.

Q. Now, are you familiar with the doctrine of

(Testimony of Henry A. Schmidt.)

the Communist Party, or one of the doctrines of the Communist Party which is when it serves the best interests of the Communist Party members of that Party should appear in Court and give false testimony?

A. You are asking me if I heard this?

Q. Yes. Are you familiar with that doctrine?

A. No.

Q. Are you following that? A. No.

Q. Where were you born?

A. In Germany.

Q. When. A. 1899.

Q. And what is your father's name?

A. I didn't hear you.

Q. Your father's name?

A. My father's name? [4062]

Q. Yes. A. My father's name is Gustav.

Q. And your mother's?

A. My mother's first name?

Q. Yes. A. Adrina.

The Reporter: Spell it, please.

The Witness: A-d-r-i-n-a.

Presiding Inspector: A-d-r-i-a-n-a.

The Witness: Yes.

By Mr. Del Guercio:

Q. What is the date of your birth?

A. I didn't hear you.

Q. You gave the year of your birth?

A. Yes.

Q. What was the month?

A. February 9th.

(Testimony of Henry A. Schmidt.)

Q. When did you come to the United States?

A. My father and I came to Canada in 1911. I believe it was in 1915 when we came to Minnesota.

Q. You and your father remained in Canada from 1911 to the time you came to the United States in 1915?

A. Yes. My parents came to Minnesota before I did and I followed several months later.

Q. Well, now, when did you come to the United States? A. In 1915. [4063]

Q. What month?

A. Oh, I can't recall the month. It was in the winter time because there was snow on the ground.

Q. Through what port did you enter?

A. Well, I came to the City of Minneapolis. I don't know whether you can call that a port or not.

Q. Well, how old were you? Don't you recall through what port of entry you came to the United States from Canada?

A. Where we crossed the line?

Q. Yes. A. No recollection.

Q. How old were you at the time?

A. Well, 1915? That would make me 16 years old.

Q. Were you alone? A. I was alone.

Q. How did you enter into the United States?

A. On the train.

Q. Were you inspected by Immigration Officers?

(Testimony of Henry A. Schmidt.)

A. Well, my recollection is that I came to Winnipeg. You see, I had been working on a farm in western Manitoba, about 200 miles from Winnipeg, and my mother had written to me and said that my father had made some kind of arrangements in Minneapolis for me to proceed to Minnesota, and I came to Winnipeg and, to the best of my recollection, I went to some American office and got some kind of paper, which I don't [4064] even know what you call it, but——

Q. (Interposing) Well, were you questioned by any United States Immigration officers while you were on the train as a passenger from Canada into the United States?

A. I recall the train stopped and the baggage was searched. Other than that I have no recollection. This is over 25 years ago.

Q. And you went to Minneapolis directly?

A. Directly to Minneapolis.

Q. How long did you remain in Minneapolis?

A. I lived there until December, 1917.

Mr. Del Guercio: Will you repeat that?

(The answer referred to was read by the reporter as above recorded.)

By Mr. Del Guercio: .

Q. With your mother and father?

A. Yes, sir.

Q. When did your mother and father come to the United States from Canada?

A. Well, my father and I came together; my father and I came in 1911.

(Testimony of Henry A. Schmidt.)

Q. Oh, no, from Canada. When did your father and mother come from Canada to the United States?

Presiding Inspector: From Canada to the United States?

A. My father and my mother and my brother, they came to Minnesota in 1915 in the summer time, I believe. [4065]

By Mr. Del Guercio:

Q. How many brothers do you have?

A. One.

Q. What is his name?

A. The same as my father's name, Gustav, G-t-i-s-t-a-v.

Q. What is his last name? Schmidt also?

A. Certainly.

Q. Was he also born in Germany?

A. Who? My father?

Q. Your brother?

A. No; my brother was born in the Netherlands.

Q. What were you doing in Minneapolis from 1915 to December 17, 1917?

A. Oh, I worked in a machine shop for a while. Later on, I worked in those flour mills.

Q. What machine shop did you work in?

A. Oh, I can't recall the name.

Q. Then you worked in a flour mill?

A. Yes, sir.

Q. For how long did you work in the machine shop?

A. Six or seven months, perhaps.

Q. Do you recall the name of the flour mill?

(Testimony of Henry A. Schmidt.)

A. Yes; Washburn-Crosby Milling Company.

Q. And for how long a period did you work in that flour mill?

A. I think about a year. [4066]

Q. Then, what did you do?

A. Then I departed for San Francisco.

Q. -Alone? A. Alone.

Q. When did you arrive in San Francisco?

A. The day before Christmas, 1917.

Q. Did you obtain employment? A. Yes.

Q. When? How soon after you arrived?

A. Oh, a couple of days after I arrived I started to work in a San Francisco flour mill, the Globe Mills.

Q. Doing what?

A. Warehouse work, packing flour and sewing, running sewing machines and such work.

Q. Then, for how long a period did you work for the Globe Mills?

A. Oh, not very long; several months. It might have been three; it might have been five.

Q. Then what did you do?

A. I went to work in another flour mill.

Q. Do you know the name of it?

A. I don't recall the name but it was located on Bryant Street here in San Francisco.

Q. Do you know when your employment began with that mill?

A. At this second place? [4067]

Q. Yes.

(Testimony of Henry A. Schmidt.)

A. Well, it was then 1918 but I don't recall just when.

Q. Summer? Fall?

A. Oh, spring, I think.

Q. The spring of 1916? A. Yes, sir.

Q. And how long did you work at that mill?

A. I think I worked there the better part of that year.

Q. Then, what did you do?

A. I quit again and I went to work in another mill.

Q. Do you know the name of it?

A. San Francisco Milling Company.

Q. When did you start working for the San Francisco Milling Company?

A. I don't recall the date but I know that we were working there on Armistice Day, November 11, 1918.

Q. For how long a period did you work at that mill?

A. It is impossible to recall. I worked there several years.

Q. Did you register for the draft in 1918, during the last World War? A. Yes.

Q. Where? [4068] A. In San Francisco.

Q. Were you interned as an alien enemy?

A. No.

Q. Did you state that you were born in Germany? A. Certainly.

Q. Do you remember when you registered?

A. You mean the day?

(Testimony of Henry A. Schmidt.)

Q. Yes. A. No, I can't remember.

Q. Do you know if there is a record of your arrival in the United States from Canada?

A. I have no way of knowing that.

Q. What?

A. I say I have no way of knowing.

Q. Have you ever had occasion to have it checked by the Immigration offices?

A. Never had any occasion.

Q. Have you ever applied for citizenship?

A. Yes, I am a citizen.

Q. How?

A. You mean how did I apply?

Q. How did you become a citizen of the United States?

A. I was naturalized, I believe, in this very room.

Q. When were you naturalized?

A. Well, it might be 1926 or '27, thereabouts.

Q. You have your certificate, of course. [4069]

A. I haven't it in my pocket.

Q. Now, I believe the last place you said you worked for was the San Francisco Milling Company and that you were employed there on Armistice Day, November 11, 1918. How long did you continue in that employment?

A. Oh, I don't remember. I know the place burned down one time and it was rebuilt and I worked for them again after it was rebuilt at a different location.

Q. What was your next employment?

(Testimony of Henry A. Schmidt.)

A. I started to work for a portrait photographer on Post Street. I was interested in photography.

Q. When did that begin?

A. I don't remember.

Q. Approximately, the year?

A. Oh, it may have been 1919; it may have been 1920; it may have been 1921.

Q. Well, can you recollect any other employment between 1918 and 1919 and 1920?

A. I worked for another photographer.

Q. Do you know his name?

A. Yes; his name is Moulin, M-o-u-l-i-n.

Q. Do you know where he then had his studio?

A. At that time he was located on Kearny Street and he has now a larger place on Second Street.

Q. And how long did you continue in his employment? [4070]

A. It might have been eight months or a year; I don't remember.

Q. What was your next employment?

A. I went back to the San Francisco Milling Company.

Q. Do you remember when that was?

A. Oh, it was about the same time.

Q. What year?

A. '20 or '21, thereabouts.

Q. How long did you continue with the San Francisco Milling Company this time?

A. I can't remember.

Q. Less than a year or more than a year?

A. I think it was more than a year.

(Testimony of Henry A. Schmidt.)

Q. Then, what did you do?

A. Well, I know I worked for the Globe Milling Company again after that.

Q. For how long a period?

A. Gosh, I don't know.

Q. Approximately?

A. It was a long time, two or three years, I believe.

Q. What was your next employment?

A. Then, I worked for a man by the name of J. H. Scott.

Q. Are you giving these in order now?

A. I am giving them in order, to the best of my recollection. [4071]

Q. What kind of work did you do for J. H. Scott?

A. He built a small milling establishment somewhere here south of Market Street; I had charge of that.

Q. How long did you work for him?

A. Oh, I think a year or so.

Q. Then, what did you do?

A. Then, I went to the waterfront and I worked in the Islais Creek Grain Terminal on Third Street near Butcher Town.

Q. Is that the first time you worked on the waterfront? A. Yes, sir.

Q. What year was that?

A. This must be '27 or '28, thereabouts.

Q. For how long a period?

A. Oh, I worked there a couple of seasons.

(Testimony of Henry A. Schmidt.)

Q. Then, what did you do?

A. Well, then, I made contact with the waterfront and I have been there ever since.

Q. Did you join any organization when you first went to the waterfront in 1927?

A. Not immediately. There was an organization down there which was known among the men as a company union, and later on I was practically forced to join it.

Q. Well, forced to join what union?

A. It was known as the Longshoremen's Association of San Francisco.

Q. Is that the first union you ever joined?

[4072]

A. No.

Q. I mean on the waterfront?

A. On the waterfront, yes.

Q. And what was the date of that?

A. I didn't hear you.

Q. What date? A. I can't remember that.

Q. Do you know the year?

A. I can't remember.

Q. By whom were you employed when you joined this Longshoremen's Union?

A. I think the stevedoring contractor's name was Pacific Lighterage Company.

Q. That was what then was known as a company union?

A. Yes sir, it was known as the blue book union.

Q. Who forced you to join?

(Testimony of Henry A. Schmidt.)

A. Well, a rumor spread along the dock that the Business Agent of this union would appear as of a certain hour and anybody who was not paid up in the union, why, he would be knocked off the job.

Q. How long did you remain a member of this so-called blue book union or company union?

A. Until we organized the ILA in 1933.

Q. Was your membership continuous until that time?

A. No, I don't think I could say yes to that because [4073] nobody paid any attention to this outfit and nobody wanted to paid dues to it because it didn't do us any good, so every once in a while everybody would lapse in the matter of dues, including myself.

Q. Did you ever hold any offices in that union?

A. You couldn't hold any office in that union. They never held any meetings.

Q. Well, did you ever hold any offices in that union?

A. Well, I say you couldn't hold any office.

Presiding Inspector: Well, you can answer it directly, did you or didn't you?

The Witness: Oh, no, I didn't.

By Mr. Del Guercio:

Q. Did you meet Harry Bridges while you were a member of that union?

A. I may have. An organizational campaign started. There was a certain period when we were just getting out of one and going into the other.

(Testimony of Henry A. Schmidt.)

Q. Did you ever meet him in any of the meetings of this company union? A. No.

Q. Were there any other unions in existence at that time with regard to longshoremen?

A. Not that I know of.

Q. While you were a member of this blue book or company [4074] union were any efforts made to organize other unions?

A. There was no attempt made until the middle of 1933, and that is when the—

Q. (Interposing) The first time?

A. The first time that I found out about—

Q. (Interposing) Did you know Harry Bridges then in 1933?

A. Well, it was sometime in 1933 that I noticed him at one of the membership meetings of the newly organized ILA at the Building Trades Temple. I believe I stated that earlier here this afternoon.

Q. You say there was some organizational work being done to form another union about 1933?

A. Yes, the ILA of which we all later became members started its organizational work in that year.

Q. Did you take an active part in starting this new union, the ILA?

A. No, I didn't. I was interested in a new organization but I didn't take an active part immediately.

Q. Did you take any part at all?

(Testimony of Henry A. Schmidt.)

A. To the extent of becoming a member as soon as I could.

Q. Did you become a member? Did you take any part in organizational work in getting the union started? A. No. [4075]

Q. Well, when did you become a member of the ILA? A. Either in June or July, 1933.

Q. June or July, 1933? A. Yes, sir.

Q. Was your membership solicited?

A. No, it was not.

Q. How did you join?

A. I went to the office of this new union at No. 10 Embarcadero where there was a man sitting at a desk and I asked him if this was the place where one could join the ILA and he said "Yes." I said "All right, here is my 50 cents."

Q. Who was the first president of the ILA?

A. In San Francisco?

Q. In San Francisco?

A. A man by the name of Lee J. Holman

The Reporter: Spell it, please.

The Witness: H-o-l-m-a-n.

By Mr. Del Guercio:

Q. Did you know him? A. Yes, sir.

Q. Did you know him at that time?

A. You mean the day that I paid my initiation fee in this union?

Q. Yes. A. Oh, no.

Q. How long after that did you become acquainted with [4076] him?

A. There was a membership meeting of this

(Testimony of Henry A. Schmidt.)

union in the Labor Temple at 16th and Capp Street and he appeared on the platform and made some remarks and everybody knew that he was the organizer for that union.

Presiding Inspector: How long about after you joined was that?

The Witness: Oh, just a few weeks.

By Mr. Del Guercio:

Q. Did you become friendly with Holman?

A. Did I become what?

Q. Friendly? A. Yes.

Q. Now, did you hold any offices in the ILA during the first year of its existence?

A. Yes, late that year there was an election and I was elected to the Executive Committee.

Q. That is in 1933?

A. It must have been, yes.

Q. Do you know who brought about your election to the Executive Committee?

A. Who did what?

Q. Brought about your election to the Executive Committee?

A. The men who voted for me. [4077]

Q. Who proposed or who nominated you?

A. I don't recall who nominated me.

Q. Was the question of your becoming a member of the Executive Committee discussed between anyone before your name was put in nomination?

A. Yes, there was an organizer helping Holman; in fact, there were a couple of them; and, I believe, it had been decided in a general membership meet-

(Testimony of Henry A. Schmidt.)

ing that there would be elections. The date may have been set.

Q. Did Holman ever tell you that he would put you on the Executive Committee?

A. No, I don't think so.

Q. And how long did you remain on the Executive Committee of that ILA union?

A. I think that I have been a member of that Executive Committee ever since except for those years when I was a paid officer.

Q. Now, who are some of the—or can you give me the names of all of the members of the Executive Committee for the first year; the year 1933?

A. Certainly not all of them.

Q. Well, all that you can remember, then.

A. There was a man by the name of Harry Curtis, Alvin Kullberg, K-u-l-l-b-e-r-g; Bridges was on the Executive Committee. [4078]

Q. Dietrich or Richards?

A. Bridges. I believe Joe Johnson; I was on it. That is all I can remember right now. I believe Dietrich was on it.

Q. Do you recall a group of persons who were then known as the Albion Hall Group, connected with this ILA union at that time in 1933 or '34?

A. I recall the group but I didn't know anything about it that early.

Q. When did you know about it?

A. Oh, it might have been very late in '33 or very early in '34.

Q. What was the Albion Hall Group?

(Testimony of Henry A. Schmidt.)

A. It was a group of longshoremen who were working on the waterfront, who sometimes got together and discussed the problems of the union.

Q. Discussed the problems of what union?

A. The International Longshoremen's Association.

Q. Was it a group that was authorized by the ILA union?

A. Authorized? No, we didn't ask anybody for permission.

Q. What?

A. I mean, if you mean if we asked somebody for permission, why, no.

Q. Well, did it have any official connection with the [4079] ILA union?

A. The only connection that comes to my mind is the fact that the fellows who came, they were members of the union.

Q. They were all members of the union?

A. Yes, sir.

Q. Did they hold meetings, this Albion Hall Group?

A. Well, if you can call it a meeting; they got around a table.

Q. Well, didn't it get its name because meetings were held in this Albion Hall?

A. Did it get its name because meetings were held?

Q. Yes.

A. Well, they were usually referred to as meetings.

(Testimony of Henry A. Schmidt.)

Q. Well, were meetings of the ILA union held in the Albion Hall, regular meetings?

A. No, no.

Q. Where did this group of which you speak, the Albion Hall group, hold their meetings?

A. In the Albion Hall.

Q. In the Albion Hall?

A. Of course, that is not the correct name. The correct name is Equality Hall.

Q. Equality Hall or Albion Hall?

A. That is right.

Q. All right. Now, who were the members of this Equality Hall or Albion Hall group? [4080]

A. They were men who belonged to the ILA.

Q. Well, what were some of their names? You were one of them?

A. Pardon?

Q. You were one of them?

A. Yes. Some of the men who belonged to the Executive Committee of the union were on it such as Kullberg.

Q. Kullberg?

A. Yes, and McKenna.

Q. Who?

A. McKenna, myself, Bridges, a man by the name of Heiner, H-e-i-n-e-r.

Q. Is that Fred Heiner?

A. Yes; Dietrich.

Q. That is Eugene Dietrich?

A. Yes; Mann, M-a-n-n.

Q. What is his first name?

A. Herman, I believe.

Q. You are sure it isn't Lawrence?

(Testimony of Henry A. Schmidt.)

A. I didn't hear you.

Q. Lawrence? A. No; I said "Herman".

Q. Herman? A. Yes, sir.

Q. Mallan, did you say? M-a-l-l-a-n? [4081]

A. No, I said "Mann." Mallen was another, M-a-l-l-e-n, Ralph Mallen.

Did I mention Kullberg already?

Presiding Inspector: Yes, I think so.

The Witness: Oh, there was a man there by the name of Ferreira.

By Mr. Del Guercio:

Q. How do you spell that?

A. Well, I wouldn't be sure. It is a Portuguese name. The man has been dead for five or six years. But, I think, it is F-e-r-r-e-i-r-a.

That is all I recall right now. [4082]

Q. Was John Shoemaker a member of that group? A. Yes.

Q. W. Christianson?

A. Yes, Willie was there.

Q. Henry Morisse? A. Henry what?

Q. Mo-r-i-s-s-e. A. Yes; he was there.

Q. What was the purpose of this group?

A. The purpose was to make an attempt at organizing some kind of a program that we could introduce in the local union that would be of some benefit to the workers that belonged to that union.

Q. How many of those that you named were members of the Communist Party?

A. I don't know.

(Testimony of Henry A. Schmidt.)

Q. Do you know whether John Shoemaker was a member of the Communist Party or not?

A. I don't know.

Q. How often would meetings be held by this group?

A. Oh, sometimes every second Sunday, sometimes there would be three weeks before meetings, sometimes one meeting would follow the other; there would be a meeting this Sunday and there might not be one the following Sunday, and there might be one the following Sunday. [4083]

Q. Who was the leader of the group?

A. Bridges was there; he usually acted as sort of an unofficial chairman.

Q. Did he assume leadership? A. Yes.

Q. Was there an election?

A. No. They never were that formal.

Q. Now, the meetings that were held by this group, were they open meetings or were they secret meetings?

A. You couldn't call them secret meetings.

Q. Would you call them open meetings?

A. Well, I mean that they were not exactly open meetings because the group didn't shout it from the housetops they were going to get together there.

Q. Could anybody attend that was not a member of that particular group?

A. Yes; the fellows would sometimes bring some other longshoremen along.

Q. Can you tell me of one instance where that was done?

(Testimony of Henry A. Schmidt.)

A. Well, the only way I can describe that is by saying that maybe I noticed certain individuals at last Sunday's meeting who would come again, and later on, and then there would be a new face; so apparently somebody had contacted this man and invited him to come.

Q. And who would lay down the program in the meetings [4084] of this Equality Hall or Albion Hall group?

A. There was no laying down of any program. It developed out of the discussion or remarks that were carried on.

Q. Somebody must have suggested a program?

A. Yes; sometimes it was Harry Bridges and sometimes I had an idea, and sometimes another fellow had an idea. We kicked the idea around quite a while and either discarded it or adopted it.

Q. Were any of your ideas ever carried out?

A. I believe so.

Q. What ones?

A. I don't recollect. That was seven years ago.

Q. These were ideas in connection as to what should be done at the regular meetings of the IILA union then in existence, is that correct?

A. Yes. We came to several conclusions there which were brought to the union meetings.

Q. Would you decide as to what was to be proposed at the regular union meeting and by whom it was to be proposed?

A. Yes; roughly, that was the method.

Q. And at most of these Albion Hall meetings

(Testimony of Henry A. Schmidt.)

would what Bridges had suggested be proposed, or be carried out, or be adopted by the Albion Hall group?

A. Not always. I remember that his proposals were, well, the fellows seemed to pay more attention to his proposal than [4085] they would, for instance, to mine. He seemed to have a better understanding or grasp of the situation.

Q. Now, was there a group inside of this group that met secretly?

A. I don't know about that.

Q. Were you on the inside group?

A. I was a member of the group, but I wasn't a member of any inside group.

Q. Well, as a matter of fact, you know, Mr. Schmidt, do you not, that there was a group inside of the group, consisting only of Communist Party members, and that you were one of them?

A. No, sir. I recall one time one of the fellows hinted at that and raised heck about it, but everybody just stared at this guy.

Q. Who hinted that?

A. A man by the name of McKenna.

Q. When did he hint there was a Communist group within the group of which you and Harry Bridges were one? A. When?

Q. Yes.

A. At one of these gatherings; I don't recall just which one.

Q. It was during the time that this so-called group were meeting?

(Testimony of Henry A. Schmidt.)

A. Yes, sir; that is what I said. [4086]

Q. What did McKenna say?

A. I don't think that he even used the word "Communist." He said, "There is something about this group that I don't like." He indicated that he didn't like what was going on, or he was going to get out. And he batted a few ideas around and they made no impression on my mind as to what he was driving at.

Q. Did he drop out of the group subsequently?

A. Yes. He did come a couple of times more, though.

Q. And would it be a true statement to make that every decision that was arrived at by this so-called Albion Hall group was put before the membership of the ILA and approved, and ultimately concurred in by the membership of the union, at a regular union meeting?

A. No, I don't think so.

Q. Huh? A. I don't think so.

Q. How many decisions would you say were ultimately approved? A. I don't remember.

Q. What?

A. I don't remember. Sometimes I wouldn't be present at the next membership meeting so if any proposal were made—

Q. (Interposing) - Would you discuss, among other things, the nomination of officers in the ILA?

[4087]

A. It may have taken place. I have no recollection.

(Testimony of Henry A. Schmidt.)

tion on it. As a matter of fact, I didn't go to every one either.

Q. Was this group formed to fight Holman?

A. What?

Presiding Inspector: For the purpose of fighting Holman?

A. Not specifically; no.

By Mr. Del Guercio:

Q. Was Holman a member of that group?

A. No.

Q. What was his connection with the ILA union at that time?

A. He was at first, the first organizer that apparently was appointed by the International President, Joseph P. Ryon. Later on there was an election and he became President.

Q. Wasn't it one of the objects of this group to get rid of Holman?

A. Later on it was discussed in this group that apparently Holman had no program whatsoever, and they thought if an election was in the offing he should be opposed by someone.

Q. And wasn't Holman at that time fighting Communists? A. I don't think so.

Q. Didn't he go on record as being opposed to Communists?

A. I never heard him mention it.

Q. Wasn't he trying to get rid of Communists, weed out Communists, from the ILA union? [4088]

A. Never heard him mention it.

(Testimony of Henry A. Schmidt.)

Q. Before a decision was made by this Albion Hall group was it put to a vote?

A. You mean by somebody saying, "All in favor say 'Aye'; opposed 'No'?"

Q. Yes, either formally or informally.

A. Sometimes it was done in that manner; and at other times the Chairman would say, "If there is no objection," or "Are we in agreement—O.K." and let it go at that.

Q. It had no standing at all as a union, or part of any union, did it?

A. No, that is right; except that the fellows who were there were members of a union.

Q. And there was a union existing at that time; the ILA, of course? A. Yes.

Q. And the ILA was then affiliated with the American Federation of Labor, is that correct?

A. It was affiliated; yes.

Q. Who obtained the first charter for the ILA in San Francisco?

A. It must have been Holman.

Q. And did the Company union, so-called Company union, go out of existence about the same time? A. About the same time; yes. [4089]

Q. How long did the Albion Hall group remain in existence?

A. My memory is vague on that. It may have been six or seven months, and it may have been a little bit longer.

Q. Six or seven months, you say?

(Testimony of Henry A. Schmidt.)

A. It may have been a little longer; perhaps a little bit less.

Q. What happened at that time?

A. Nothing happened. It just sort of dissolved.

Q. Was Holman still the President of the ILA when it was dissolved?

A. I couldn't tell you. You mean was Holman still the President at the time the group dissolved?

Q. Yes.

A. I have no recollection of that whatsoever.

Q. How long did Holman remain President of the ILA?

A. Well, he was elected President. First he was a temporary officer, acting as an organizer, and presided at the meetings. Then we arranged for an election and he was elected. That was in 1933, the fall of that year. Some time in 1934 he got out.

Q. 1934? A. Yes.

Q. And this Albion Hall group broke up about the same time?

A. That may be so, but I don't remember. [4090]

Q. Who became the next president of the ILA?

A. Well, since Holman got out why the Vice President took over. His name was Joseph Johnson.

Q. Joseph—

A. (Interposing) Johnson.

Q. How long did he remain in this office?

A. He held the President's position throughout the 1934 strike. In the fall of 1934, after the strike, there was another election, and he was succeeded by Bridges.

(Testimony of Henry A. Schmidt.)

Q. Now, you say you met Harry Jackson, first met him during the 1934 strike, is that correct?

A. That is my best recollection.

Q. When did the 1934 strike occur?

A. I didn't understand.

Q. When did the 1934 strike occur?

A. May 9.

Q. May 9, 1934? A. Right.

Q. And you now say that you have not met Harry Jackson prior to May 9, 1934?

A. My best recollection is that during that strike, or shortly before that strike, he was a prominent figure on the waterfront connected with the MWIU. It is possible I may have seen him and not have realized who he might have been.

Q: Did you work with Harry Jackson on any matter prior [4091] to the 1934 strike?

A. To the best of my recollection, he never worked as a longshoreman.

Q. I don't mean worked as a—did he ever work at anything?

A. As a matter of fact, I have never seen him work.

Q. You knew him to be a member of the Communist Party, of course?

A. Well, he was pointed out as such.

Q. You knew him as an organizer for the Communist Party, didn't you?

A. I knew him as an organizer for the MWIU.

Q. Was Harry Jackson a member of the MWIU? A. I took it that he was.

(Testimony of Henry A. Schmidt.)

Q. Didn't he have to be employed to be a member of the MWIU?

A. The MWIU was organizing seamen at that time.

Q. Was Harry Jackson a seaman?

A. I took him to be a seaman.

Q. You said he never worked, that you didn't know that he worked, isn't that your testimony?

Presiding Inspector: He said he never saw him work. You may ask him further if he knows about his working.

The Witness: Are you waiting for an answer now?

By Mr. Del Guercio:

Q. How do you reconcile those two statements?

[4092]

Mr. Gladstein: What two statements?

Mr. Del Guercio: One statement he said he never worked and in the other he said he was a seaman.

Presiding Inspector: He said he took him to be a seaman. Isn't that right?

The Witness: I took it for granted he was a seaman because he was connected with an organization that organized seamen. There were thousands of them milling around the beach. I certainly didn't ask each one if he had ever been a working seaman, or just a beachcomber.

By Mr. Del Guercio:

Q. Did you assist Harry Jackson in soliciting members in the Marine Workers Industrial Union?

A. No.

(Testimony of Henry A. Schmidt.)

Q. Did you assist Harry Bridges in soliciting membership in the Marine Workers Industrial Union? A. We were busy with the ILA.

Q. Who do you mean when you say "we"?—Harry Bridges and yourself?

A. Harry and I were busy in the ILA.

Q. Were you together all the time during the 1934 strike?

A. During the 1934 strike I saw Harry almost every day.

Q. And do you know if Harry Bridges, during the 1934 strike, solicited members for the Marine Workers Industrial [4093]?

A. That wasn't necessary during the 1934 strike.

Presiding Inspector: He asked you whether or not you know about that.

A. I don't know.

Presiding Inspector: He has no knowledge on the subject.

Mr. Del Guercio: Do you want to continue? We can't get through with the witness.

Presiding Inspector: Go ahead a little bit longer.

By Mr. Del Guercio:

Q. Did you ever hear of a mimeographed sheet called the "Waterfront Worker," Mr. Schmidt?

A. Oh, yes.

Q. Huh? A. Oh, yes.

Q. Were you ever connected with its publication, or editorship?

A. I wrote some stuff for it.

(Testimony of Henry A. Schmidt.)

Q. And when did you become associated with the Waterfront Worker?

A. I don't know whether it was '33 or '34. I think it was early in 1934.

Q. In any event it was long before the 1934 strike?

A. No, I don't think so because the 1934 strike took place in what you might call early that year, May 9. My best recollection is that shortly before the—you see the strike was scheduled to take place in the first instance on March 22, I believe, and it was postponed. It may have been April 22. It was some time before that.

Q. Was it some time before the 1934 strike that you became associated with the Waterfront Worker?

A. It was some time before the 1934 strike.

Q. How long before?

A. That I wrote some material for it?

Q. How long before?

A. Well, it may have been a couple of months, and it may have been three months; I can't recollect exactly.

Q. You can't recollect exactly. We might refresh your memory. And how did you become associated with this Waterfront Worker?

A. Well, I wrote an article for it, and I signed my name to it.

Q. To whom did you submit the article?

A. To the Waterfront Worker.

Q. To whom?

(Testimony of Henry A. Schmidt.)

A. You mean where did I send it?

Q. To what person?

A. I didn't mention any person's name.

Q. I know you didn't. You said you submitted it. I am asking you to whom you submitted this article? [4095]

A. I sent, wrote the material on a piece of paper and placed it in the mail box.

Q. Under your name? A. Yes.

Q. And addressed it to whom?

A. To the Waterfront Worker, the post office box.

Q. You knew the post office box number?

A. The post office box was publicized in the sheet itself.

Q. Did anyone ask you to write an article for the Waterfront Worker?

A. No. The spirit moved me and I wrote.

Q. What spirit?

A. Well, I think you understand my answer.

Q. No, I don't understand your answer at all. Do you mean you were drunk at the time?

Presiding Inspector: It is perfectly evident that he means that there was no suggestion that he write it; but he wrote it from his own impulses. Is that what you mean?

The Witness: It occurred to me I might make a contribution to this paper so I sat down and wrote it.

By Mr. Del Guercio:

Q. Was that your first article?

A. Yes.

(Testimony of Henry A. Schmidt.)

Q. You wrote more than one article? [4096]

A. Yes.

Q. And you signed your name to the article?

A. Yes.

Q. And did it appear in the Waterfront Worker under your name?

A. The article appeared, but my name wasn't on it.

Q. When did you write the first article for the Waterfront Worker with regard to the 1934 strike?

A. Well, it was prior to the strike, comparatively early in the year.

Q. Would you say it was in the same year, 1934?

A. Yes. That is the year we are talking about; yes.

Q. It wouldn't be in 1933, the latter part of 1933?

A. No. I recall that down on Pier 16 and 18, where I was working, the latter part of 1933 the fellows used to discuss this paper that had appeared. I would ask several, "Where the devil can I get it?" Somebody would say, "The next time I get one I will bring you one." Then it was weeks and weeks before I ever saw a copy.

Q. Well, now, can you recall now, state definitely, that it was not in the year 1933 that you wrote the first article for the Waterfront Worker?

A. It was in 1934 that I began to write.

Q. Did you know who the editor of the Waterfront Worker was at that time? [4097]

(Testimony of Henry A. Schmidt.)

A. I didn't know anybody.

Q. Didn't you know that Harry Jackson was the editor of it?

A. I didn't know anything about it.

Q. When did you find out, if at all?

A. I didn't find out that Jackson was the editor.

Q. Who did you find out was the editor of it?

A. I didn't know as there were any editors.

Q. Do you know whether Harry Bridges was the editor of that paper at any time?

A. He contacted me about it on account of this article that I had written with my name signed to it.

Q. Did he contact you when you wrote the first article? A. Yes; that is my best recollection.

Q. Then it was Harry Bridges that suggested that you write the article for the Waterfront Worker? A. No, I had written it before.

Q. What?

A. He contacted me after I had written an article.

Q. How long after?

A. Several days; maybe a week.

Q. And where did he contact you?

A. I think it was around the hall, the ILA hall, at 113 Steuart Street.

Q. What did he say to you? [4098]

A. Well, he said, "I see you wrote something for the paper on the waterfront." I think he made some complimentary remark about the material I had written.

(Testimony of Henry A. Schmidt.)

Q. Did he tell you that he had read your article also? A. That he had read it?

Q. Yes. A. He must have read it.

Q. And he complimented you on it, you say?

Presiding Inspector: Yes; that is what he said.

By Mr. Del Guercio:

Q. Did he say anything else?

A. Well, he asked me what I thought of the paper, and what I had heard about it on the waterfront. I told him that on the dock where I worked that the fellows had been talking about it and it seemed to be quite popular, and that whenever I heard the fellows talking about it I would try to get a copy and had some difficulty in getting one.

Q. Anything else?

A. That is about all.

Q. That is all the conversation that occurred between you and Harry Bridges at that time?

A. After all these years—well.

Q. Did Harry Bridges at that time tell you what connection he had with the Waterfront Worker?

A. With the Waterfront Worker? [4099]

Q. Yes.

A. He said he was one of the fellows who had something to do with it, and several others.

Q. Did he mention the names of the others?

A. No. I wasn't interested much. I just took it for granted it was a paper that, according to what I had heard, it had appeared for some time

(Testimony of Henry A. Schmidt.)

and was sort of a waterfront institution already when I got acquainted with it.

Q. By "Waterfront institution" what do you mean?

A. Well, I mean by that, that the longshoremen who had read it, they apparently took it for granted that this paper was going to continue to come out.

Q. Now, you had seen copies of it prior to the 1934 strike, had you not, prior to the time you had written your first article for it?

A. Yes. I finally got hold of a copy.

Q. Did you also read the masthead—what did it say on the masthead?

A. At the top it said "The Waterfront Worker."

Q. Is that all?

A. I don't know whether "The" was on there, but it said "Waterfront Worker."

Q. Did it say who published it?

A. I think right underneath that there was a post office box [4100]

Q. In the early part of 1934?

A. Yes; that is as well as I can remember it.

Q. Did it give the name of the editor?

A. Did it give what?

Q. The name of the editor.

A. There were no names.

Q. Now, you wrote your first article, you say, about the early part of 1934. When did you write your next article for the Waterfront Worker?

A. It is impossible to remember. It may have

(Testimony of Henry A. Schmidt.)

been a week later, and it may have been two weeks later; and maybe I waited longer than that.

Q. And did anyone tell you to write the second article? A. Did anyone tell me, you say?

Q. Yes. A. No.

Q. The spirit moved you again?

A. The spirit moved me again.

Q. And you wrote another article?

A. That is right.

Q. What did you do with it?

A. What did I do with it?

Q. Yes.

A. I placed it in an envelope and mailed it.

Q. Mailed it to whom? [4101]

A. To the box, post office box, the number of which appeared in the paper itself.

Q. In addressing the envelope for either the first or second article, did you give the name of anyone, show the name of anyone on it, or did you address it to a particular person?

A. No; I just said "Waterfront Worker."

Q. And the post office box?

A. That is right.

Q. San Francisco? A. That is right.

Q. Did you also sign your name on your second article? A. I don't think so.

Q. Now, why didn't you sign your name on the second article?

A. Well, Harry explained to me that it wouldn't be wise; that we were a union not getting recogni-

(Testimony of Henry A. Schmidt.)

tion, and we had no job control, and no contracts with the employers, and if the shipowners were to find out who put the paper out we would probably be knocked off the waterfront for good. That seemed logical to me.

Q. Was your second article also published?

A. I don't remember.

Q. Huh? A. I don't remember. [4102]

Q. When did you write your third article?

A. No recollection.

Q. How many articles all together did you write?

A. I don't remember. [4103]

Q. What? A. I don't remember.

Q. Did you ever sign your name to any of the articles after the first one?

A. I doubt it very much.

Q. Well, do you want time to think about it?

A. You are asking me if I want time to think about it?

Q. Do you want a little time to think about it before you answer?

A. No; I think that is correct. I didn't sign any more.

Q. Did you ever visit the place where the Waterfront Worker was mimeographed or printed?

Mr. Gladstein: Did he say Western Worker or Waterfront Worker?

Mr. Del Guercio: Waterfront Worker.

A. No, I never did, although I heard that it was published in or printed in one of the fellows' homes.

(Testimony of Henry A. Schmidt.)

Q. In whose home?

A. Well, I think they said it was Shoemaker's home.

Q. John Shoemaker? A. Yes, sir.

Q. Who said it was printed in John Shoemaker's home? Who told you?

A. I don't recall. After Harry and I got together about [4104] the paper, in due time we got acquainted with a third and fourth fellow who also wrote for it. I think Shoemaker was the next one that I got acquainted with as one of the writers.

Q. Now, when did you learn that the Waterfront Worker was being mimeographed and printed in John Shoemaker's house?

A. When? I don't—

Q. (Interposing): Yes.

A. I don't recollect.

Q. With relation to the 1934 strike?

A. Well, it seems to me it was—

Q. (Interposing): Was it before or after?

A. It was before, I believe. I mean, the particular strike date was just around the corner, but I can't fix it definitely in my mind.

Q. Who told you that it was mimeographed at John Shoemaker's house?

A. It may have been John Shoemaker himself. It may have been Bridges himself; I don't know.

Presiding Inspector: I think we will stop here until tomorrow morning at ten o'clock. Recess until tomorrow morning.

(Witness temporarily excused.)

(Whereupon, at 4:20 P. M. an adjournment was taken until May 16, 1941, at 10:00 A.M.)

[4105]

Court Room 276,
Federal Building,
San Francisco, California,
May 16, 1941.

Met, pursuant to adjournment, at 10:00 A. M.

[4106]

PROCEEDINGS

Presiding Inspector: Is the witness here?

HENRY A. SCHMIDT

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Presiding Inspector: Now, Mr. Del Guercio?

Mr. Del Guercio: Are you ready to proceed?

Presiding Inspector: Yes.

Cross Examination (Resumed)

By Mr. Del Guercio:

Q. Mr. Schmidt, we were on the Waterfront Worker last night when we adjourned. I believe you testified that you submitted many articles, but you were unable to recollect how many, is that correct? A. Substantially correct.

Q. Now, your testimony is then also that you

(Testimony of Henry A. Schmidt.)

never submitted any articles to the Western Worker prior to 1934 is that correct?

Mr. Gladstein: Are you talking about the Western Worker?

Mr. Del Guercio: Waterfront Worker.

A. Prior to 1934?

By Mr. Del Guercio:

Q. Yes.

A. I believe that is what I testified; yes.

Q. Now, at the time you were with this so-called Albion [4107] or Equality Hall Group, the Waterfront Worker was used by that group, was it not?

A. It may have been. It is rather vague in my mind.

Q. Well, don't you know whether it was or not?

A. I said it is rather vague in my mind. A lot of water has gone under the bridge since then.

Q. Yes. But what is your best recollection on that point?

A. I really can't make it any clearer than that.

Q. Now, what your first article about?

A. I don't recollect that either.

Q. You don't recollect that either? A. No.

Q. Now, Mr. Schmidt, as a matter of fact, weren't you known on the waterfront and elsewhere prior to 1934 as Editor Schmidt of the Western Worker—of the Waterfront Worker?

A. No. Some people may have seen fit to call me that but I don't know whether that makes me—

(Testimony of Henry A. Schmidt.)

Q. (Interposing): You have heard that before, then, have you? A. You mean the term?

Q. Yes, sir.

A. Yes, I believe some fellows used that term.

Q. When did you first hear it?

A. It is impossible to remember. [4108]

Q. It might have been prior to 1934?

A. Well, it might have been during '34.

Q. Well, I asked you if it might have been prior to 1934?

A. It is impossible for me to remember that.

Q. If Harry Bridges testified that you were connected with the Western Worker prior to 1934 would he be lying?

Mr. Gladstein: Just a moment.

A. Not with the Western Worker.

Mr. Del Guercio: With the Waterfront Worker.

Presiding Inspector: Just a moment. I will exclude it. We can't have testimony by one witness as to the truthfulness of another.

Mr. Del Guercio: I will withdraw the question.

Presiding Inspector: Yes, sir.

By Mr. Del Guercio:

Q. Now, you testified yesterday that one of the purposes of forming this so-called Albion or Equality Hall group was to get rid of Holman; is that correct?

Mr. Gladstein: I think that is a misstatement of the testimony, your Honor. I object to the question.

Mr. Del Guercio: It isn't a misstatement. It is a misunderstanding.

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: Well, I don't accuse Mr. Del Guercio of deliberately doing it. I simply say it assumes something which [4109] is contrary to the evidence.

Mr. Del Guercio: I will withdraw it. Let me ask this question:

By Mr. Del Guercio:

Q. Was that one of the purposes of the Albion Hall group? A. To do what?

Q. To get rid of Holman as the President of the ILA? A. No.

Q. Didn't the Waterfront Worker conduct a campaign about the same time against Holman?

A. Well, it seems to me that later Holman was placed on trial by the Union.

Q. Well, I haven't asked you about that. I was asking you if the Waterfront Worker conducted a campaign in its paper against Holman about July 1933?

A. There was some material that appeared in the Waterfront Worker with regard to Holman, but as to the date, that is impossible for me to remember.

Q. Well, now, this Albion Hall group was organized prior to 1934, was it not?

A. Yes, I believe so, but it was rather late when I got acquainted with it.

Q. You were one of the leading figures in that Albion Hall group, were you not?

A. Well, I don't know whether I was or not.

[4110]

(Testimony of Henry A. Schmidt.)

Q. Well, you know that you were a leading figure in the Union there, in the ILA subsequently. Now, can't you tell—you have so testified—can't you tell us whether you were a leading figure in this Albion Hall group?

A. I was not a leading figure anywhere in 1933 nor '34 either, until, well, I guess everybody knew me by the time the strike was over.

Q. Everybody knew you by the time the strike was over? A. Well, it seemed so.

Q. As a matter of fact, Mr. Schmidt, weren't the policies of the Albion Hall group and the editorial policies, if I may call them that, of the Western Worker similar?

A. Yes; that would be correct.

Q. That would be a correct statement. And was it not also the policy of the Waterfront Worker, and of this Albion Hall group, to agitate for a meeting of representatives of the Longshoremen from all West Coast ports prior to 1934, say, from the latter part of 1933 to the latter part of 1934?

A. Yes. As I recall it, some time in 1934, very early in 1934, due to the fact that we were going regularly to union meetings and nothing was taking place so far as any objectives were concerned, we thought that it would be best to develop some kind of a program that would be beneficial to the workers in our industry, and we did come to the union meetings and agitate for a coastwise program, a coastwise organization. [4111]

Q. By "we" whom do you mean?

(Testimony of Henry A. Schmidt.)

A. The Albion Hall group that you are talking about.

Q. Was that done through the regularly organized ILA union then in existence?

A. That is the only union that I belonged to at that time.

Q. Well, did you agitate for this meeting, or convention of the longshoremen from all West Coast ports through the ILA union?

A. Yes. There are two things that stand out in my mind: First, we proposed to the union that we ought to have a little more information from the Northwest as to what was going on there; and we proposed to the union that a couple of men be sent to the Northwest by our local to take a look around and report back. That proposition was accepted and Eugene Dietrich and Bridges were sent north by the local union.

Q. When was that?

A. It seems to me it was in '34.

Q. The early part?

A. Well, it was certainly before this convention, and this convention took place late in February, I believe.

Q. So that this was before February, then, 1934, is that correct?

A. Yes, I think so.

Q. Now, you knew that from the period, that for the period between February 1933 and July 1933, the Waterfront Worker was [4112] published, had its publishing address at room 421, 830 Market Street, San Francisco, California, did you not?

(Testimony of Henry A. Schmidt.)

A. I thought we were talking about the year 1934?

Mr. Del Guercio: Read the question, please.

(The question referred to was read by the reporter as above recorded.)

A. I knew ~~nothing about that~~ because I had no connection with anybody, I had no connection with the ILA until June or July, 1933:

By Mr. Del Guercio:

Q. And for the period between July 1933 and February 12, 1934, you knew that the Waterfront Worker had its publishing address as 3470 19th Street, San Francisco?

A. No, I didn't know that.

Q. You knew that that was the home of Walter Lambert, did you not? A. No, sir.

Q. You knew Walter Lambert, didn't you?

A. Yes, I have heard of him, but I didn't know him then.

Q. You knew that he was one of the leading Communist figures on the West Coast at that time, did you not? A. No, no.

Q. You didn't know that? A. No.

Q. And you were on the waterfront during all this time? [4113] A. Yes.

Q. When did you know that Walter Lambert was a leading Communist figure?

A. I have never interested myself to find out whether people are Communists or not.

Q. You were never interested in learning who

(Testimony of Henry A. Schmidt.)

were Communists and who were not Communists?

A. No, no; it doesn't bother me at all.

Q. And I believe you testified that during all this period you were very active in union matters?

A. During what period?

Q. From about 1933 to the present time.

A. No, I didn't say that: I said I didn't become active until '34.

Q. Well, from 1934 to the present time you have been very active in union affairs?

A. Yes.

Q. Now, you testified that you were on the Strike Committee during the 1934 strike, is that correct?

A. That is right.

Q. Who was on the Strike Committee?

A. Who was on the Strike Committee with me?
Presiding Inspector: Besides yourself.

A. I think there were a group of at least 35 or 40. I couldn't recall all the names. [4114]

By Mr. Del Guercio:

Q. Who was the Chairman of that Strike Committee? A. Bridges.

Q. What was your position?

A. I was a member of it.

Q. Now, you were very close to Harry Bridges at that time, were you not?

A. I didn't know him so very well then.

Q. When did you become close to Bridges? Do you know what I mean by the word "close"?

A. Yes. You mean friendly and close in daily association.

(Testimony of Henry A. Schmidt.)

Q. Yes.

A. No, I wouldn't say that I was very close to him at that time.

Q. Well, did you meet him every day—were you with Harry Bridges almost every day during the 1934 strike?

A. Yes.

Q. Did you become friendly with him during that time?

A. Surely.

Q. Have you continued that association with Harry Bridges ever since?

A. Oh, yes. We don't agree on everything sometimes.

Q. What?

A. Sometimes we don't agree on everything and we sometimes have some violent—

Q. (Interposing): Would you say you have been a very close friend of Harry Bridges from the 1934 strike to the present time? [4115]

A. Yes; I would be glad to say that.

Q. What were the duties of the Strike Committee of which you were a member during the 1934 strike?

A. What were the duties?

Q. Yes.

A. Well, the Strike Committee was authorized by the membership to, well, to say it in a very few words, to run the strike to the best of their ability and to carry on on behalf of the membership of the Union to the best of their ability. Among other things, the membership authorized them to spend the Union's money between meetings and

(Testimony of Henry A. Schmidt.)

make a report on the money that was spent at the next membership meeting, and organize pickets. The Strike Committee was divided into sub-committees. There was a Publicity Committee; there was a Defense Committee, and various things that are usually done during a strike.

Q. Were you on any of the committees?

A. Yes, I was on the Publicity Committee.

Q. Any other Committee?

A. No. On the Strike Committee, the Publicity Committee, and, then, I was on the Executive Committee of the Union.

Q. Well, were you on any other committees of this Strike Committee?

A. No, I don't think so.

Q. Now, as Publicity—you were on the Publicity Committee, you say? [4116]

A. Yes.

Q. Were you Chairman of that Committee?

A. No.

Q. Who was the Chairman?

A. A man by the name of Ralph Mallen.

Q. And did this Publicity Committee have an organ?

A. Yes, sir; they put out a mimeographed sheet. I think, our instructions from the Strike Committee were to gather as much information on the progress of the strike and put out a mimeographed sheet daily, but—

Q. (Interposing) Did you also use the Water-front Worker?

A. No. We were not very efficient. We were green at the job and although our efforts of getting

(Testimony of Henry A. Schmidt.)

out this sheet daily was—we attempted to put it out daily. We didn't always succeed. Sometimes, we lapsed a day or so.

Q. Well, did you use the Waterfront Worker at all?

A. No. We were using the Daily—so-called Daily Bulletin of the Union which, I think, was entitled Strike Bulletin of the ILA or ILA Strike Bulletin.

Q. Did you adopt, this Publicity Committee adopt the Western Worker as its organ?

A. Yes, later on we accepted a proposition that they made us to put it out in print, and they put out a sheet that was about the same size as the one that we had been mimeographing, and they called it the— [4117]

Q. (Interposing). Now, who made the negotiations with the Western Worker for that purpose?

A. I don't recall the person. It was a man, but the name I don't recall at all.

Q. You can't recall the name? A. No.

Q. You were on the Publicity Committee at the time? A. That is right.

Q. And just what arrangements were made?

A. As I recall it, he came to the Publicity Committee.

Q. Who came? A. This man.

Q. From the Western Worker?

A. He came to the—

The Reporter: I can't hear you.

The Witness: He came to the Publicity Com-

(Testimony of Henry A. Schmidt.)

mittee. Then you said "From the Western Worker?" My answer was going to be he must have come from there.

Q. What did he say when he appeared before the Publicity Committee?

A. I don't recall the exact words. It would be impossible for me to quote him.

A. Well, substantially.

A. Well, he proposed that we do something to use their printing presses, and what have you, to put out a daily [4118] bulletin in print. I think he said something, that a printed job would look better than a mimeographed job.

Q. Well, did he say he was coming from the Western Worker?

A. He may have and he may have not; I don't know.

Q. Go on.

A. Well, the three or four men who were on the Publicity Committee discussed the proposition. Then, we said we have no authority to say yes or no to that; we will take it to the Strike Committee. Then, we took it to the Strike Committee.

Q. Now, who took it to the Strike Committee?

A. The Publicity Committee reported to the next Strike Committee meeting.

Q. Were you there when the report was made?

A. I couldn't say; most likely I was.

Q. Now, after you reported to the Strike Committee—you mean you reported to Harry Bridges?

(Testimony of Henry A. Schmidt.)

A. No, we reported to the Strike Committee which was a group of about 35 or 40 men.

Q. Of which Harry Bridges was Chairman?

A. Of which Harry Bridges was Chairman.

Q. Now, was Harry Bridges there when you reported? A. At the time we reported?

Q. Yes. A. I don't remember. [4119]

Q. You don't remember. And what was the outcome?

A. Well, they listened to the proposal and there was a vote taken and they accepted the proposition.

Q. Did you vote for it? A. Yes, sir.

Q. Now, were any agreements reached as to whether you should pay the Western Worker anything for its assistance?

A. No, I don't think there was any—I don't think there was any money connected with it at all.

Q. The Western Worker was offering its services free?

A. Yes, I believe so; there may have been something.

Q. Did the Strike Committee have a Financial Committee?

A. I didn't hear the last word of your sentence.

Q. Did the Strike Committee have a Financial Committee? A. No; that I don't recall.

Q. And the Western Worker continued to be the organ of the Strike Committee throughout the 1934 strike, is that correct?

A. No; it is my recollection that the thing was stopped before the strike was over.

(Testimony of Henry A. Schmidt.)

Q. Now, do you know why it was stopped?

A. Oh, I think, some discussion developed in the Strike Committee by people who pointed out that this Daily Western Worker strike bulletin was connected with the Western Worker, which, in turn was the official organ of the Communist Party, [4120] and they thought that it would be inadvisable to continue that sort of relationship, and that matter was discussed by the Strike Committee for a while. I think they voted to discontinue the business and I don't know whether the proposition was referred to the membership meeting or not.

Q. Now, during that period of time was there in existence in San Francisco what was known as the San Francisco Labor Council?

A. The San Francisco Labor Council?

Q: Yes? A. Yes.

Q. Were you a member of that Council?

A. I don't know whether I was a delegate to that Council that year or not.

Q. Now, isn't it a fact that the San Francisco Labor Council passed a resolution about that time condemning Communists and directing that all members of the Union disavow their connections with the Communist Party, and that failure to do so would result in expulsion from the Union, substantially to that effect?

A. They may have passed such a resolution. I don't remember; I don't know.

Q. They may have passed, you say, such a resolution? A. Yes, that is what I said.

(Testimony of Henry A. Schmidt.)

Q. You have no recollection of it? [4121]

A. I don't remember.

Q. Did this Strike Committee, of which you were a member, seek assistance from any other sources during the 1934 strike?

A. Oh, yes. They sought and solicited assistance from all over the countryside.

Q. Did they ask for assistance from the ILA and the International Labor Defense?

A. I don't think it was asked.

Q. Didn't you arrange to have Elaine Black address the convention on the assistance that could be given by the International Labor Defense if the longshoremen would go on strike, just prior to the 1934 strike?

A. When you say "you" do you mean the Strike Committee or I?

Q. You as either a member of the Strike Committee or an individual? A. No.

Q. Huh? A. No.

Q. In either capacity?

A. No, I certainly didn't. Maybe somebody else on the Strike Committee did.

Q. Well, did you have any knowledge of it?

A. Absolutely none. [4122]

Q. You know Elaine Black, of course?

A. Yes, I recall her addressing the Strike Committee.

Q. What?

A. I recall her addressing the Strike Committee.

Q. And who was Elaine Black?

(Testimony of Henry A. Schmidt.)

A. She said that she was a representative of the ILA.

Q. She was also a member of the Communist Party, was she not? A. I don't know. [4123]

Q. You never heard that she was?

A. No, I didn't know; I didn't even know what the ILD was at that time.

Q. I asked you if you had ever heard she was a member of the Communist Party?

A. Oh, yes; that is generally known around town.

Q. And did she speak at the convention?

A. Convention?

Q. Did she speak before the ILA longshoremen?

A. She spoke at one of the Strike Committee meetings.

Q. Spoke before the Strike Committee?

A. That is right.

Q. When was that?

A. It was a few days after the cops on the waterfront gave some people a terrific beating.

Q. What did she speak about?

A. That was what she came there for.

Q. What did she say about it?

A. She explained, or told the longshore Strike Committee, that she came there to ask the Strike Committee to go with a representative of the ILD, and other trade unionists, to the Mayor's office and there protest against the police brutality which had taken place either the day before or a couple

(Testimony of Henry A. Schmidt.)

of days before that. A bunch of young people, who were advertised in the papers as being Communists, came to the waterfront, and [4124] they were beat up and ridden down by horse cops, and knocked down all over the place.

Q. Did she speak about anything else?

A. No. She went into quite a bit of the detail to describe some of the wounds that these people had received, lacerated scalps, and a couple of girls had black and blue breasts, she said.

Q. Did she say anything about how you should conduct the strike, what steps should be taken?

A. Did she say to us how we should conduct the strike?

Q. Yes. A. No.

Q. Did she offer the assistance of the ILD?

A. I think that was at a later date.

Q. What later date? You mean she addressed the Strike Committee more than once?

A. I couldn't remember. It is my best recollection that is the only time she addressed the Strike Committee. There may have been—

Q. (Interposing) You said that was at a later date that she offered the assistance of the ILD. When was that?

A. I don't remember. You asked me if the ILD offered assistance. I said "at a later date." My best recollection is that she didn't address the Strike Committee again, but maybe some communication passed back and forth [4125] between the union and the—

(Testimony of Henry A. Schmidt.)

Q. (Interposing). How did the ILD offer its assistance at a later date?

A. My best recollection is that our Defense Committee, that is the Union Defense Committee, came to the Strike Committee and made some kind of a report that they had been offered assistance by the International Labor Defense, and I think they recommended that we do not accept it.

Q. Was that turned down?

A. I am pretty sure it was. I remember Dietrich—he was a member of the Defense Committee and the other was Fred Heiner—I think those were the only two fellows on the Defense Committee—and they both recommended that they could handle the business of the defense and we required no assistance. I am pretty sure the Strike Committee adopted that policy.

Q. Do you know Sam Diner? A. Who?

Q. Sam Diner?

A. No. I read about him in the paper in connection with this hearing.

Q. Did he ever have anything to do with the Defense Committee?

A. I don't know; I don't know the man.

Q. Did you ever go to 121 Haight Street during the time [4126] that the 1934 strike was in progress?

A. No. I testified yesterday when I had been there; once to hear somebody speak and another time—

Q. (Interposing). Is your testimony that you

(Testimony of Henry A. Schmidt.)

did not go to 121 Haight Street for any reason during the, at any time during the 1934 strike?

A. I am sure I didn't. I went to a place on Grove Street, at the time it was smashed up by the vigilantes, to look at the damage.

Q. That is correct. It was not at 121 Haight Street. Where was the Communist Party headquarters at that time?

A. This was a place on Grove Street near the City Hall.

Q. That was the headquarters of the Communist Party during the 1934 strike?

A. Well, I don't know. There was a big sign over the door saying "Western Worker". I went there, after somebody started a reign of terror around here and smashed up everything, and, among other things, they smashed up that place, so I went up and looked at the place.

Q. At 37 Grove Street? A. Yes.

Q. How many times did you go to 37 Grove Street during the 1934 strike?

A. That was the first time I went there, to the best of my recollection, and it was never reopened.

[4127]

Q. You only went there once?

A. Yes. I went there to see what damage had been done.

Q. Did you go inside? A. Oh, yes.

Q. Who did you meet inside?

A. Men and women in there—I don't recall anybody.

(Testimony of Henry A. Schmidt.)

Q. Elaine Black? A. I don't know.

Q. What? A. Pardon?

Q. Elaine Black? A. I don't know.

Q. You might have met her?

A. I testified a while ago that she addressed the Strike Committee.

Q. You might have met her at the time you visited 37 Grove Street?

A. I may have, and I may not; I don't know.

Q. Sam Darcy? A. I don't know.

Q. You might have met him at that time?

A. He may have been in there, but I wouldn't know.

Q. There was no meeting going on there at that time, was there?

A. It was impossible to hold a meeting in that place; [4128] everything was smashed up.

Q. Was there a meeting going on when you visited the place? A. I can't hear you.

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. No; there couldn't be any meeting; there was no meeting.

By Mr. Del Guercio:

Q. Now, did the Strike Committee, of which you were a member, also cooperate with the Marine Workers Industrial Union during the strike?

A. I wouldn't say there was much cooperation there. Some of their people used to come over

(Testimony of Henry A. Schmidt.)

and ask us to place something in our bulletin with regard to their situation.

Q. Who would come over?

A. I have no recollection who it was.

Q. Can you give me the name of anyone who was connected with the Marine Workers Industrial Union at that time?

A. Yes—Jackson and Telford.

Q. Harry Jackson? A. Yes.

Q. And Sam Telford?

A. That is right. [4129]

Q. Would they come over to the Strike Committee?

A. I think Telford came sometimes, and sometimes somebody else would come.

Q. Do you know any others that were connected with the Marine Workers Industrial Union?

A. No, I don't.

Q. How often would Jackson come?

A. I don't recall him having come to the Publicity Committee of our Strike Committee.

Q. Does Harry Jackson have any other name?

A. What?

Q. Does Harry Jackson have any other name?

A. Not to my knowledge. That is the only name I ever heard.

Q. Did you ever hear the name of Glickshon—G-l-i-c-k-s-h-o-n? A. No.

Q. You never heard that name? A. No.

Q. But you did know Harry Jackson at that time?

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: That has already been asked and answered about three or four times.

Presiding Inspector: Yes. He said he did.

By Mr. Del Guercio:

Q. That resolution of the San Francisco Labor Council [4130] that I spoke about a few minutes ago was passed about June 22, 1934, was it not?

A. Well, I was going to explain a while ago, but I didn't get the opportunity, that my best recollection is that during 1933 I was not a delegate to the Labor Council; but I recall, when there was a possibility of a general strike developing, that the unions were requested to send delegates, other than their regular delegates, to the Labor Council meeting. I was one of those delegates. I think we had six or seven regular delegates to the Labor Council. My best recollection is that I was not a member of that group. But when the——

Q. (Interposing) That would be——

Mr. Gladstein: (Interposing) Just a moment. He hasn't finished.

By Mr. Del Guercio:

Q. Have you finished?

A. No. I was going to add that when the Central Labor Council issued a call for a special meeting to discuss the general strike, then I went there to that general strike committee meeting as an official representative of our union.

Q. When was that?

A. That must have been, well, it certainly was after July 5, 1934 because that is the day that all

(Testimony of Henry A. Schmidt.)

the killing and shooting took place by the cops around here.

Q. This would be a matter of record, would it not, of the San Francisco Labor Council? [4131]

A. The resolution you are talking about?

Q. Yes. A. Yes.

Q. Now, after the 1934 strike did you ever hear Harry Bridges propose on the floor of the meeting of Local 38-79 that the union send a representative to the Soviet Union as a guest of the Friends of the Soviet Union?

A. The proposal was made, but to the best of my recollection it wasn't Bridges.

Q. Didn't you second that motion?

A. I may have, but I don't think—

Q. (Interposing) That would be a matter of record, would it not?

A. You mean who made and seconded the motion? O

Q. Yes.

A. That is very doubtful. The Secretary was not in the habit of putting down in the minutes who made or seconded a motion, unless it was a resolution—

Q. (Interposing) Your testimony is that you may have seconded such a motion?

A. I may have.

Q. And didn't this motion, didn't Bridges make this motion as a result of a letter of invitation from the Friends of the Soviet Union?

A. I have no knowledge of that. [4132].

(Testimony of Henry A. Schmidt.)

Q. And didn't Harry Bridges say, in support of that motion, that Local 38-79 was the outstanding union in the world because of their successful termination of the Maritime Strike, and that the sending of a representative to the Soviet Union would enhance their prestige in the labor movement?

Mr. Gladstein: That is a compound question and the witness——

Mr. Del Guercio: (Interposing) No.

Presiding Inspector: The witness may separate it.

Mr. Gladstein: If he understands the question.

Presiding Inspector: Yes.

The Witness: I understand it.

Presiding Inspector: You can accept part of it, if it is a fact.

A. As far as the first half of the question is concerned, I have heard Bridges say on numerous occasions that he thought that our particular union was one of the best and strongest in the world.

But as to the latter part of your question, where he may have said something about the prestige of the union, and so forth, in connection with this matter that you are talking about, I don't recollect that.

By Mr. Del Guercio:

Q. About sending a representative to the Soviet Union?

A. I don't recollect that part of it. [4133]

(Testimony of Henry A. Schmidt.)

Q. You don't recollect that part?

A. The other part of the sentence, the first part of the sentence, has been stated so often, that is, that we have one of the strongest and best unions in the country, and I say that myself.

Q. Were you on the Executive Board of the local at that time, Local 38-79?

A. Well, it depends on what year it was.

Q. 1935.

A. If I was not a paid official I was on the Executive Board.

Q. Well, were you a paid official in 1935?

A. No, I rather think that I was on the Executive Board.

Q. You do recall, however, the union receiving, Harry Bridges receiving a letter from the Friends of the Soviet Union to send a representative to the Soviet Union?

A. No, I don't recall that. I don't remember how the issue hit the floor of the membership. I know I never saw any letter.

Q. Didn't you offer to pay your own expenses if you could be sent as a delegate?

A. That is a little bit ridiculous. I had no money.

Q. What is ridiculous about it?

A. To state that I said at that time that I would pay my own expenses if I were sent. [4134]

Q. Because you had no money at that time?

A. Of course I had no money.

(Testimony of Henry A. Schmidt.)

Q. You were a paid official of the union?

A. No. Even if I had been I wouldn't have had any money.

Q. What were you doing at that time, in 1935, 1936?

A. I was a longshoreman—I was longshoring.

Q. Were you working?

A. That is what I mean, that I was working as a longshoreman.

Q. Was not a vote taken on that motion to send a delegate? A. Yes, there was.

Q. And didn't it lose by a vote of 16 to 14?

A. Of how much?

Q. 16 to 14, before the Executive Board.

A. I don't know what you are talking about now. I thought we were talking about a membership meeting.

Q. Is that your answer?

A. Well, my recollection is that the issue that you are discussing with me took place in the membership meeting which, at that time, was held in some other hall on Golden Gate Avenue. It wasn't Eagles' Hall. There were hundreds of men there, so when you say "16 to 14" it doesn't make sense.

Q. Was the matter ever taken before the Executive Board? A. I don't recollect. [4135]

Q. You have no recollection of that, but you have a recollection of the other matter?

A. Yes; because there was a big fuss about it in the meeting. It took up the entire time of the meeting.

(Testimony of Henry A. Schmidt.)

Q. Didn't you want to go to Russia about that time?

A. Why should I want to go to Russia? No. I have family ties here, my people live here, my daughter lives here, my father is still alive, so why should I want to go to Russia?

Q. Will you answer the question?

Mr. Gladstein: He said "No."

Presiding Inspector: I take it as a negative answer.

Mr. Gladstein: He already said "No" in the very beginning.

Presiding Inspector: I still take it as a negative answer.

Mr. Del Guercio: I move to strike the rest of his answer.

Presiding Inspector: I will let it stand as an explanation.

By Mr. Del Guercio:

Q. Did you ever at any time admit to anyone that you were a member of the Communist Party?

A. No. In our line of business—

Q. (Interposing) Is this in answer to my question? A. Yes.

Q. Your answer is "No?"

A. Yes. The answer is "No."

Q. Now, do you want to qualify that? [4136]

A. That is correct, I want to qualify it.

Q. All right.

A. When you are active in the labor movement, as I have been for the past seven years, seven or

(Testimony of Henry A. Schmidt.)

eight years, you are practically accused of being a Communist every day in the week and you—

Q. (Interposing) Have you ever been accused of being a Communist?

A. On numerous occasions.

Q. By whom? A. The Hearst papers.

Q. By anyone in your own union?

A. Oh, some fellow might, in anger, run to the microphone and use the word.

Q. Who, in your union, has accused you of being a Communist?

A. Well, usually some fellow that hasn't much use for me.

Q. Are there fellows in your union that haven't much use for you? A. Definitely.

Q. How many?

A. Well, I think, if you put it to a test, they can raise 642 votes out of 4000.

Q. Do you know of anyone—can you give me the name of [4137] anyone who has accused you, in your own union, of being a member of the Communist Party?

A. Oh, yes. There would be Kullberg, and Julius White—those fellows are no longer in our union.

Q. Because they accused you of being a Communist?

A. No, no. There is a fellow by the name of Patrick O'Hannigan, whose real name is Joseph Harold Hendry. He runs around the waterfront every day in the week calling everybody a Communist.

(Testimony of Henry A. Schmidt.)

Q. I am asking you for the names of those who accused you of being a Communist.

A. I have mentioned three.

Q. Any others?

A. That is all that comes to my mind right now.

Q. Did Elmer Hanoff ever accuse you of being a member of the Communist Party?

A. I don't know him.

Q. You never met Elmer Hanoff at any time, any place? — A. Bruce Hannon, you say?

Q. Elmer Hanoff?

Presiding Inspector: Elmer Hanoff.

A. No.

By Mr. Del Guercio:

Q. Have you ever asked any person to become a member of the Communist Party? [4138]

A. No, sir.

Q. Have you ever advised any person to become a member of the Communist Party? A. No.

Q. Have you ever invited any person to become a member of the Communist Party?

A. There is one word that I didn't get.

Mr. Del Guercio: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. Invited—no.

By Mr. Del Guercio:

Q. Have you ever induced anyone to become a member of the Communist Party? A. No.

[4139].

(Testimony of Henry A. Schmidt.)

Q. Have you ever been in the Gowman Hotel in Seattle, Washington?

A. It would be difficult to say. I stayed in about five different hotels there. If I could look at the place I could tell whether I ever stayed there or not.

Q. Do you know there is such a hotel?

A. Well, I suppose there is, but—since you mentioned it.

Q. Did you ever stop there over night?

A. Well, I have to repeat I would have to have, —see a photograph of the place, or be in Seattle and walk around and I could recognize that I stayed at this hotel and I didn't stay at that one.

Q. Where do you usually stop when you go to Seattle?

A. Well, I was up there the last time in November. I don't recall the name of the place that I stayed at.

Q. How many times have you been in Seattle during the last—say, since 1934?

A. About a dozen times.

Q. And where did you stop?

A. The first time I went there was in '35, I think. I had been in Seattle before that, however, but I recall the New Richmond Hotel. I think I stayed at the Savoy another time, and if there is a Westminster Hotel it seems to me there is some such name.

Q. Any other hotel? [4140]

A. Yes; I know I stayed at more than two different hotels but the names don't come to my mind.

(Testimony of Henry A. Schmidt.)

Q. And you can't recollect any others, the names of any other hotels you stopped at in Seattle?

A. I may have stayed at the New Washington; the New Richmond, the Savoy and the New Washington, perhaps; I don't know.

Q. Have you exhausted your recollection?

A. That is the best I can do.

Q. Did you attend an ILA convention in Seattle in 1937? A. Which year, please?

Q. 1937?

A. Yes. I have been at every convention so I guess I was at that one.

Q. Well, did you go to that one?

A. Oh, yes.

Q. When did that convention take place in '37?

A. Well, it was early in '37. It may have been April or it may have been May. There was a time—

Q. (Interposing) Did you go up to Seattle alone that time?

A. I think there was a group of us on the train.

Q. Was Harry Bridges with you in that group?

A. No. I don't think so.

Q. Well, who was with you? Who were some of the persons who were in that group? [4141]

A. I would have to check the list of delegates that we had that year in order to refresh my memory.

Q. Well, were they all from your Local 38-79?

A. Well, there is a possibility that there were others, because there are other—or there were other ILA Locals.

(Testimony of Henry A. Schmidt.)

Q. Can you give me the names of any of those that were from your own Union?

A. Well, Shoemaker might have been in the delegation. As a matter of fact, we may have driven to Seattle, I don't remember. I have been on the train numerous times and I have driven there and I have taken the plane there.

Q. I am talking about this 1937 convention.

A. Well, that is just it. I can't—if you want some names I can go to our office and check who were the delegates at that particular time.

Q. How long did you stay in Seattle during the time of this 1937 convention?

A. Well, until it was finished. My recollection is that it lasted three weeks or so.

Q. Now, can you tell me now where you stopped in 1937? A. No.

Q. Was your wife with you? A. No.

Q. Now, what was discussed in that convention? What [4142] was the main topic of discussion?

A. One of the main topics, of course, was the possibility of our Union affiliated with the CIO.

Q. Now, do you recall if Harry Bridges was there? A. Oh, he was there, yes.

Q. But you don't remember if he went up there with you or not?

A. I am pretty sure that he didn't.

Q. Would you say that you stopped in the same hotel where Harry Bridges stopped?

A. I don't think so.

(Testimony of Henry A. Schmidt.)

Q. Would you say you stopped at the same hotel that Shoemaker stopped?

A. Yes, that is possible.

Q. Is Shoemaker the only person that you now recall that came up there that went to Seattle from your Union?

A. That is all I recall right now. Oh, I could name two now, two other delegates from our Local. That is what you want, isn't it?

Q. Yes.

A. Yes, there was a man by the name of Marlowe who later became President of our Union and is now working for the Shipowners. Well Shoemaker was there.

Q. You have already said Shoemaker.

A. Yes. [4143]

Q. And you have recollected Marlowe who is now working with the Shipowners. Now, can you recollect anybody else?

A. No, that is all I can catch right now.

Q. Now, Shoemaker, as you know, broke away from the Communist Party, did he not?

The Witness: I didn't hear the first part of your sentence.

(The question referred to was read by the reporter as above recorded.)

A. That is news to me. I don't—

By Mr. Del Guercio:

Q. (Interposing) And Marlowe — well, strike that.

(Testimony of Henry A. Schmidt.)

While you were in Seattle in 1937 attending this convention—— A. Yes.

Q. (Continuing) Did you attend any Communist Party meetings? A. No.

Q. Now, you testified that you were a member, delegate to the Central Labor Council at San Francisco. A. That is right.

Q. Will you give me again, the years that you were a delegate to the Central Labor Council in San Francisco.

A. Well, my best recollection is that I became a special delegate to the Council when they had the meeting [4144] at which the general strike was discussed. There is doubt in my mind whether or not I was a delegate.

Q. Is that the '34 strike?

A. Yes. There is doubt in my mind whether or not I was a delegate prior to that time, but after the strike I was a delegate at the Central Labor Council where they held their weekly meetings, so that would be '35 and '36 and a part of '37 until they expelled us for joining the CIO.

Q. Now, during the times that you were a member of the Central Labor Council was Walter Lambert a member or a delegate? A. Who.

Q. Walter Lambert? A. I don't think so.

Q. Was John Shoemaker a member or a delegate?

A. Yes, John was a delegate to the Council.

Q. Was Harry Bridges a delegate?

A. Oh, yes.

(Testimony of Henry A. Schmidt.)

Q. During the time that you were a delegate?

A. Yes.

Q. How often would the Central Labor Council hold meetings?

A. It meets—It met *ever* week.

Q. During the time you were—

A. (Interposing) It meets every week on Fridays. [4145]

Q. Every week on Friday. Now, did you, John Shoemaker and Walter Lambert meet at any time prior to the Friday meetings of the Central Labor Council?

A. No. What is this Lambert fellow doing in this group? He is not connected with our Union.

Q. But you do know that he was connected with the Communist Party, don't you?

A. That is what you told me. I don't know.

Q. Have you ever heard that he was connected with the Communist Party?

A. Yes, I have heard; his name is mentioned in the paper sometimes.

Q. Had you heard that he was a member of the Communist Party before the strike?

A. I don't know if I heard it by word of mouth or by the printed word. I have heard you say it.

Q. Well, do you say that he is not a member of the Communist Party?

A. I wouldn't know.

Q. Well, now, I will ask that question again. I don't know whether you answered it.

Did you ever meet Walter Lambert prior to the

(Testimony of Henry A. Schmidt.)

Friday meetings of the San Francisco Central Labor Council? A. No.

Q. In any kind of meetings? [4146]

A. Pardon?

Q. In any kind of meetings? A. No.

Q. Did you ever meet Walter Lambert?

A. Yes, I may have met him somewhere. It seems to me I have heard him speak from a platform some place.

Q. Was he a member of any union?

A. I wouldn't know that.

Q. How many times would you say that you have met Walter Lambert? A. Well—

Presiding Inspector: (Interposing) I didn't hear that question. Would you read that question?

(The question referred to was read by the reporter as above recorded.)

A. Well, it wouldn't be more than twice.

By Mr. Del Guercio:

Q. Did you, as a delegate to this Central Labor Council, speak with any person at any time prior to any of the regular meetings of the Central Labor Council?

A. Oh, sometimes a few of the delegates would come together about 7:30 over in the bar of the Albion Hall and have a glass of beer and discuss the coming meeting, or, maybe, they wouldn't discuss the coming meeting, just made it a habit to drop in there and have a couple of drinks [4147] before they went to the meeting.

Q. Only for that purpose and nothing else?

(Testimony of Henry A. Schmidt.)

A. Well, that is what you usually go into one of those places for.

Q. I am speaking about the years 1935, '36 and '37.

A. Yes, that is what I am speaking about, too.

Q. Then, your answer is that during the years 1935, 1936 and 1937 you never met with any persons to program any matter that was to come up in a regular meeting of the Central Labor Council?

Mr. Gladstein: I will object to that as an improper statement of the testimony, your Honor.

Presiding Inspector: He is asking it, I think.

A. None other than the one I just described. We would hang over the bar for half an hour. We might be discussing something that is coming up in the meeting. If you can call that program, why——

By Mr. Del Guercio:

Q. (Interposing) Did you meet with any person or group of persons regularly on Thursday nights during the years 1935, 1936 and 1937 to discuss matters that might be raised in the Central Labor Council?

A. Did I meet regularly in all those years? Every Thursday night? [4148]

Q. Yes?

A. To discuss matters with regard to the Labor Council?

Q. Yes. A. Lord, no.

(Testimony of Henry A. Schmidt.)

Q. Did you meet regularly on Thursday nights during the year 1935? A. During what year?

Q. '35? A. No.

Q. 1936? A. I don't understand this line of questioning. Is it a crime to meet somebody or—I don't get the drift of this at all.

Mr. Del Guercio: Will the Court admonish the witness, please.

Presiding Inspector: Yes.

Mr. Gladstein: There is ambiguity in the questions, asking whether you had met somebody during those years prior to certain Friday night meetings.

Presiding Inspector: I think the question is directed to a group or a caucus of some of the members.

Mr. Gladstein: It wouldn't appear so from the questions.

Presiding Inspector: Well, I think that it is.

Mr. Gladstein: I have difficulty in understanding what the questions call for. [4149]

Mr. Myron: The witness doesn't.

Presiding Inspector: I think the witness can understand them. I don't think the witness—I may be wrong about that—but when the witness said that he didn't understand the line of questioning I don't think it was that he didn't understand the questions in and of themselves.

Did you?

The Witness: Yes, sir. I am trying to conclude, in my own mind what Mr. Del Guercio is aiming at.

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: It isn't necessary for you to do that. I suggest that the Court instruct the witness.

Mr. Gladstein: It is necessary for the witness to understand what is being called for.

Presiding Inspector: He can understand the questions. Go ahead. I think we can get along all right.

Mr. Del Guercio: What is the answer?

The Witness: You better read the question back.

Presiding Inspector: I think you have answered it.

By Mr. Del Guercio:

Q. Let me put it this way, Mr. Schmidt: What caucuses—strike that, please.

Did you attend any caucuses or meetings with any person or persons on Thursday nights prior to the regular meetings of the Central Labor Council during the year 1935? [4150]

A. If you can call the gathering of a group of men who happened to be delegates to the Central Labor Council, while they are discussing some of the issues that might come up, while they are having a scotch and soda, then, the answer is "Yes", I was at a caucus, but I never concluded, in my mind, that we were holding a caucus or a meeting.

Q. Did you attend such caucuses or meetings during the year 1936? A. I may have.

Q. Did you attend such caucuses or meetings during the year 1937?

A. I doubt it very much.

(Testimony of Henry A. Schmidt.)

Q. All right. Now, who were some of the persons with whom you met in such caucuses in the year 1935?

A. Oh, Bridges would drop in sometimes, of course. Sometimes, there were a couple of delegates from the Machinists' Union.

Q. What are their names?

A. I think there was a man by the name of Sheare.

The Reporter: Spell it, please.

The Witness: That is the trouble. I don't know how you spell it. I think it is S-h-e-a-r-e, maybe.

And I seen Shoemaker there a couple of times. There was another machinist there but I don't recall his name.

Q. Now, did Walter Lambert ever attend any such caucuses [4151] or meetings? A. No.

Q. During 1935, 1936 and 1937? A. No.

Q. Would you discuss in these caucuses or meetings issues that were coming up in the Council the following night?

Yes; while we were consuming our drinks, why, somebody sometimes had some information as to what was going to come up in the Council.

Q. Well, now, can you answer this question: Were these meetings primarily for the purpose of drinking or for the purpose of discussing matters that were coming up in the Council the next morning or the next day?

A. I might say they were for both purposes.

(Testimony of Henry A. Schmidt.)

Q. Both purposes? A. Yes, sir.

Q. And would they be regularly held during the years 1935, 1936 and 1937?

A. No, they would be very irregular.

Q. Would you say that they were held every time prior to the elections in the Labor Council?

A. Yes, that could have happened.

Q. And would a program be laid out in these meetings as to what the group would do on the floor of the Labor Council on either the election or questions that were coming up? [4152]

A. Discussion with regard to elections sometimes took place.

Q. Would a decision be reached?

A. I don't think you could call it a "decision." Fellows would——

Q. (Interposing) Now, where would these meetings take place, these conferences and meetings?

A. In the saloon on Valencia Street.

Q. Only in a saloon?

A. Yes, that is the only place there is there.

Q. Well, would it be in a room or on the——

A. (Interposing) Well, there was a basement there; that was two and a half or three years ago. They made a change in the building and they moved it.

Q. Would it be a private place in the saloon or a place where the public——

A. (Interposing) Oh, heck, no; it was right

(Testimony of Henry A. Schmidt.)

there where everybody was in and out; no privacy about it.

Q. Never in a private room?

A. (Negative nod.)

Q. Huh? A. No.

Q. At any times during the years 1935, '36 and '37? A. That is right.

Q. Now, did any other person attend these meetings or [4153] caucuses other than the ones you have named?

A. Oh, yes, but I don't recall their names right now.

Q. If you tried hard could you remember?

A. Oh, I might remember some this afternoon or tomorrow.

Mr. Del Guercio: May we have a short recess?

Presiding Inspector: Yes.

(Whereupon a short recess was taken.)

Presiding Inspector: You may proceed.

By Mr. Del Guercio:

Q. Do you know Tommy Ray?

A. Tommy who?

Q. Ray, R-a-y?

A. I don't know him. I just read about him the other day.

Q. Did you ever meet him during the 1934 strike or prior to the 1934 strike?

A. I don't know him at all, know nothing about him. [4154]

Q. Did you ever attend any meetings in 1935, May, at 1449 O'Farrell Street, San Francisco?

(Testimony of Henry A. Schmidt.)

A. No.

Q. Do you know that address, 1449 O'Farrell Street?

A. No; it doesn't mean a thing to me.

Q. Do you ever attend any meeting at that address with Harry Bridges?

A. No. How could I when I said the place doesn't mean anything to me?

Q. Did you ever attend any meetings in September, 1935, at 121 Haight Street, headquarters of the Communist Party?

A. No.

Q. At any time in September 1934?

A. No. The only meetings that I went to, and I don't think I can mention the date, was the ones I mentioned earlier and they are in the record.

Q. Did you ever attend any Communist Party meetings in September, 1935 at the ARTA headquarters in San Francisco?

A. No.

Q. Were any Communist Party meetings ever held at your home in the years 1935, 1936 and 1937?

A. Never at any time.

Q. Were any meetings ever held at your home during those years?

A. No. [4155]

Q. Did Harry Bridges ever attend any meetings at your home during the years 1935, 1936 and 1937?

A. He has been at my home, but it wasn't at a meeting; he was there for dinner.

Q. Did Harry Bridges ever come to your home with other persons during those years?

A. He came with his daughter one time.

(Testimony of Henry A. Schmidt.)

Q. Did he ever come to your home with John Shoemaker?

A. I don't think so.

Q. During the years 1935, 1936 and 1937?

A. Any years.

Q. Did he ever come to your home with, or at any time when Walter Lambert was in your home?

A. No.

Q. Did he ever come to your home at any time that Schneidermann was in your home?

A. No.

Q. Did he ever meet Schneidermann in your home?

A. No.

Q. During the years 1935, 1936 and 1937?

A. Any year.

Q. Did you attend any meetings of the Communist Party at 121 Haight Street during October 1935?

A. No, again. How many times am I going to be asked this question? [4156]

Q. Are you getting tired? Do you want a drink?

A. No, I don't want a drink and I am not getting tired.

Presiding Inspector: Just answer the questions.

By Mr. Del Guercio:

Q. Did you attend any Communist Party meetings at 121 Haight Street during September 1936?

A. No.

Q. Did you attend any Communist Party meetings at the Equality Hall on Albion Street, San Francisco, during May 1937?

(Testimony of Henry A. Schmidt.)

A. Did you say "any meeting or "Communist meeting"?

Q. Communist Party meetings. A. No.

Q. Did you attend any meetings at that place?

A. Frequently.

Q. At which Communist Party members were present? A. That is possible.

Q. Well, what Communist Party members were present?..

A. It so happens that I am a member of the Workmen's Sick and Death Benefit Fund, a fraternal organization, which has its headquarters in that particular building, and they hold membership meetings once a month. Formerly, when I had more time, I used to go to those meetings. If some of the members of that particular organization happened to be a Communist then I might have been in a meeting with Communists.

Q. Did you know if any of them were members of the [4157] Communist Party?

A. I never bothered to inquire, so I wouldn't know.

Q. Were those the only meetings that you attended at that place?

A. On Albion Street? A. Yes.

A. No. I indicated earlier that the Albion Hall group of longshoremen were there.

Q. This is during the year 1937.

A. Well, I have been a member of that society that has been meeting there for ten years.

(Testimony of Henry A. Schmidt.)

Q. Did you ever attend any meetings at Equality Hall on Albion Street during the year 1937 in which Communist Party members were present?

- Mr. Gladstein: I think that has been answered.

Presiding Inspector: I think he has answered that.

By Mr. Del Guercio:

Q. Other than the ones you have mentioned?

A. No.

Q. Did you attend the Maritime Federation convention in Portland in 1937?

A. Yes.

Q. June 1937?

A. I am pretty sure it was June.

Q. And where did you stop in Portland at that time? [4158]

A. I think it was in the Sherman Hotel.

Q. What was the purpose of that convention?

A. It was the regular annual convention of the Maritime Federation of the Pacific, where we tried to formulate a program for the coming year.

Q. Were any difficulties had in that convention over the Credentials Committee?

A. I don't recall. I wasn't on the Committee.

Q. Was there any discussion on the floor of the convention regarding the Credentials Committee.

Mr. Gladstein: I will object to that as being immaterial.

Presiding Inspector: In and of itself I think it would be. Maybe he has something in mind. I will take it as preliminary.

(Testimony of Henry A. Schmidt.)

A. I really don't recall.

By Mr. Del Guercio:

Q. Were any caucuses held prior to the convention over any controversies over the Credentials Committee, or any controversy raised by the Credentials Committee?

A. I really don't recall if there was a fuss over the Credentials Committee or not.

Q. Was Harry Bridges at that convention?

A. Yes.

Q. Was Harry Jackson at that convention?

A. No. [4159]

Q. Did you meet Harry Jackson in Portland at any time during that convention? A. No.

Q. Was Z. R. Brown at that convention?

A. I believe he was.

Q. Was John Shoemaker? A. Yes.

Q. Was Harry Schmidt, yourself?

A. Yes.

Q. Herman Stuyvelaar?

A. I think he was.

Q. John Fougrouse?

A. I couldn't say. I am sure I didn't know him then.

Q. Paul Benson?

A. No; that name doesn't mean anything to me.

Q. Germain Buleke?

A. Yes, I think he was there.

Q. Jack Lawrenson?

A. If that was the fraternal delegate from the National Maritime Union, I recall him being there.

(Testimony of Henry A. Schmidt.)

Q. T. J. Van Erman?

A. Yes; he may have been there, but I wouldn't be sure about it.

Q. Did you attend any meetings, outside of the convention, at which any of the persons I have mentioned were present? [4160]

A. I must have. There were numerous committee meetings during the convention, and when the convention adjourned then the Committees went to work. Some of them didn't meet in the Labor Temple. They met in hotel rooms. I don't recall what kind of committees, what sort of committees these men you mentioned were on.

Q. Were they regular meetings?

A. They were the usual committee meetings. The work of conventions is usually done by committees.

Q. Were they official meetings of the various committees of the Convention?

A. Yes. Besides that—

Q. (Interposing) Did you attend any meetings that were not official meetings of any of the Committees of the Convention with any of the persons I have mentioned?

A. Yes. I went to caucuses where various matters were discussed.

Q. Where was that?

A. It was at another hotel down the street a couple of blocks.

Q. Do you know the name of the hotel?

(Testimony of Henry A. Schmidt.)

A. No. The first word is "New"—New—something.

Q. Could it possibly be the New Lennox Hotel?

A. Yes; that is the name.

Q. And where was the meeting held in the Lennox Hotel? [4161]

A. Well, it was in a very large room.

Q. Was it a private room?

A. It was a room that belonged to one of these delegates.

Q. What?

A. A room that belonged to one of the delegates.

Q. What was his name?

A. I don't know.

Q. You remember the room number?

A. No.

Q. Could it have been room 406?

A. Could have been.

Q. And could that meeting have taken place about the third week of June in 1937?

A. It could be.

Q. And where there were present the following persons at that meeting: Harry Bridges, Eugene Dietrich, Harry Dennett Jackson, Z. R. Brown, Cameron, John Shoemaker, Herman Stuyvelaar, John Fongerouse, Paul Benson, Joseph Curran, Germain Bulcke, Jack Lawrenson, T. J. Van Erman?

A. I couldn't say "Yes" or "No" to that kind of a question.

Q. Weren't all these persons that I have named members of the Communist Party?

(Testimony of Henry A. Schmidt.)

A. I don't know.

Q. Wasn't that a Communist Party meeting?

[4162]

A. I don't think so.

Q. Is there some doubt in your mind?

A. I repeat, I don't know; I don't think so. They were all trade unionists, all delegates to this convention.

Q. Was Harry Jackson a trade unionist?

A. I don't know whether he was there or not.

Q. Was John Fougrouse a trade unionist?

A. He belonged to the Marine Cooks and Stewards; yes.

Q. He was also a prominent member of the Communist Party, was he not?

A. I didn't know Fougrouse at that time.

Q. You know he is the same John Fougrouse who has been made the subject of a deportation proceeding?

A. I read that in the trade union papers.

Q. You know that he is the same John Fougrouse that was criminally prosecuted in the District Court in Los Angeles for making false statements?

A. No; of that I know nothing.

Q. And what was discussed in this meeting?

A. As I recall the discussion had to do as to the procedure we would follow in this particular convention with regard to affiliating the unions that were represented there with the CIO.

Q. Isn't it a fact that there was discussed at this

(Testimony of Henry A. Schmidt.)

meeting in the New Lennox Hotel the voting strength of the [4163] Communist Party in the convention.

A. The voting strength of what?

Q. Of the Communist Party.

A. I don't follow that. How could the Communist Party have any voting?

Q. I am asking you if it wasn't discussed.

A. No. I would like to say—

Q. (Interposing) Didn't you also discuss at that meeting—wasn't that also discussed, the matter of getting around the report of the Credentials Committee?

A. No; I think that is incorrect.

Q. Who was the Chairman of that meeting?

A. I don't remember. The fellows were lying around—there wasn't enough furniture for them to sit down—lying around on the floor. There was no Chairman.

Q. And wasn't there a discussion in that meeting in the New Lennox Hotel to the effect that the cards were stacked against the progressive element in the convention, including the Communists?

A. The remark about the progressive element might have been mentioned, but I wouldn't even recall that.

Q. And, Mr. Schmidt, do you recall now attending another meeting in the New Lennox Hotel, following the meeting that you have testified to, in which the same, substantially the same persons were present? [4164].

A. No, I don't.

(Testimony of Henry A. Schmidt.)

Q. Let me refresh your recollection. How many meetings, unofficial meetings, did you attend with members of the Communist Party during the time of this Maritime Convention in Portland in the New Lennox Hotel?

A. Whenever there were meetings held I was in meetings with trade unionists. I don't know anything about your Communists.

Q. How many meetings did you attend in the New Lennox Hotel?

A. I don't know; might have been two or three.

Q. And who were present in these other meetings, other than the first?

A. Some of those people that you mentioned.

Q. Also Harry Jackson?

A. I have no recollection of him being there.

Q. Would you say that you did not meet Harry Jackson in the New Lennox Hotel in Portland, Oregon, at the time of this convention?

A. I have absolutely no recollection of meeting Harry Jackson there.

Q. Would you testify that you did not meet Harry Jackson in Portland, Oregon during the time of this convention, and particularly in the New Lennox Hotel?

A. I would testify that when I rack my memory I don't [4165] remember meeting him there.

Q. How far are you racking your memory?

A. I am trying to do the best I can.

Q. You won't give a "Yes" or "No" answer on that, will you?

(Testimony of Henry A. Schmidt.)

A. I don't see how I can when I don't remember.

Q. Do you know A. T. Pringle? A. Who?

Q. A. T. Pringle—P-r-i-n-g-l-e. A. No.

Q. Did you ever meet him?

A. I don't know him so I assume that I have never met him.

Q. Did you ever attend any Communist Party meeting in which A. T. Pringle was present?

A. No.

Q. Did you, in September 1936, attend a Communist Party meeting at 121 Haight Street in which there were present Harry Bridges, John Shoemaker, William Schneidermann, Roy Pyle and A. T. Pringle? A. No.

Q. Were you at 121 Haight Street with Harry Bridges and John Shoemaker, in September 1936?

A. No.

Q. And did you at that time, with Harry Bridges and [4166] John Shoemaker, go into Schneidermann's office? A. No.

Q. At 121 Haight Street?

A. Yes, I understand you mean 121 Haight Street, and I can only repeat what I got in the record, that is what I have testified to before, that I have been in that place only twice.

Q. Are you through? A. Yes.

Q. Did you see, when you, Harry Bridges and John Shoemaker, went into Schneidermann's office, did you see Pyle, Roy Pyle, and Pringle just outside the door of Schneidermann's office?

(Testimony of Henry A. Schmidt.)

A. How could that be when I wasn't there?

Q. What is your answer, "Yes" or "No."

Mr. Gladstein: The question is ridiculous. The question is assuming that contrary—

Presiding Inspector: I will exclude it. But you can refresh his recollection.

Mr. Gladstein: I haven't any objection to that. But the question first asked was, "Were you there with these people?" and the answer was "No." Then the question was asked, "When you were there did you see somebody else?"

Presiding Inspector: It assumes something that the witness has just denied.

Mr. Gladstein: That is right, [4167]

Presiding Inspector: But that doesn't restrict him from asking him about such an occurrence.

Was there such an occurrence of this kind suggested in the question? The Witness: No.

By Mr. Del Guercio:

Q. Have you ever been in Schneidermann's office, Mr. Schmidt? A. No, sir.

Q. Did you ever attend, Mr. Schmidt, any Communist Party meetings between November 1936 and February 1937 at the home of Walter Lambert?

A. No, sir.

Q. Do you know where Walter Lambert lives, or lived at that time?

A. I haven't the slightest idea.

Q. Did you ever attend any Communist Party

(Testimony of Henry A. Schmidt.)

meetings during that same period of time at the home of Rosenfeld?

A. The name is absolutely unfamiliar.

Q. Did you ever speak at any Communist Party meetings at either the home of Rosenfeld, or the home of Walter Lambert, during the period from November 1936 and February 1937?

A. I certainly did not.

Q. Did you ever speak at such meetings in the homes of those two persons on the Communist Party work among Longshoremen? [4168]

A. No, sir.

Q. Did you ever speak at any of such meetings at the homes of Rosenfeld and Walter Lambert on the subject of recruiting members to the Communist Party from among the longshoremen?

A. No, sir. I didn't know where they lived so I couldn't have spoken there.

Q. Did you ever speak at any of such meetings at the homes of those two persons on the question of discrediting labor union officials who opposed the Communist Party, such as O'Connell, McLaughlin, Vandeleur and Lundeborg?

A. I never spoke at the homes of those particular people on any subject at any time.

Q. Did you speak against those persons, labor union officials, at any time?

A. Will you mention the names again?

Q. O'Connell, McLaughlin, Vandeleur and Lundeborg.

(Testimony of Henry A. Schmidt.)

A. In the membership meeting of the longshoremen, longshoremen's meeting, I might have mentioned their names.

Q. Did you speak against them because they were opposed to Communism?

A. No, not particularly.

Q. Not particularly. In what way, then, did you do it?

A. Well, I simply tried to point out that these fellows had, in my opinion, had not at heart the best interests of the [4169] workers that they happened to represent. Of course, I don't recall the exact words.

Q. What did you say in connection with Communism?

A. Nothing.

Q. Did you belabor them because they were trying to weed out Communists in the labor union movement?

A. No.

Q. Did you say anything about that?

A. I don't think so.

Q. Why did you oppose them?

A. Well, we got acquainted with these people in 1934, or thereabouts, and our union had a certain program that they apparently didn't believe in, and we couldn't get much cooperation from them. The waterfront unions seemed to be considered, well, we couldn't get very close association with the labor movement in the City of San Francisco, and we were sort of isolated, and I certainly was convinced that these particular fellows that you mentioned weren't doing us any good.

(Testimony of Henry A. Schmidt.)

Q. Let us take Lundeberg, Harry Lundeberg, for instance. You knew that he was opposed to Communism, didn't you?

A. He has been raising a lot of Cain about Communists in their official organ for the last three or four years.

Q. Why have you been belaboring Lundeberg?

A. I haven't said anything about Lundeberg from any [4170] platform.

Q. You have never spoken against Lundeberg?

A. I might have said, in connection with some issue in our meeting, that the Sailors Union are doing so and so, and in my estimation such a move isn't any good, and we can't agree with the Lundeberg program.

Q. Did you ever attack Harry Lundeberg because he was opposing Communism?

A. No. Harry Lundeberg hasn't been mentioned in our Union for years, in spite of the fact that he practically lives next door to us. We pay no attention to him.

Q. How long have you known Lou or Louis Goldblatt? A. Oh, I think since 1936.

Q. And what is your acquaintanceship with Louis Goldblatt, what has it been since 1936?

A. Well, I know him first as a member of the Warehousemen's Union, who occasionally worked as a longshoreman. Then he was elected Vice President of his own union.

(Testimony of Henry A. Schmidt.)

Q. Have you ever attended any Communist Party meetings with Louis Goldblatt?

A. No.

Q. How long have you known that Louis Goldblatt was a member of the Communist Party?

A. I haven't known it.

Q. Never heard it? [4171]

A. Well, I am hearing it now, and I read it in the paper in connection with this case.

Q. Have you ever heard it before this case?

A. Oh, there have been rumors around the waterfront.

Q. Then you have heard it?

A. Well, if you can call that hearing.

Q. Is there any question in your mind but what Louis Goldblatt has been and still is a member of the Communist Party?

A. I have way of knowing. There has even been some rumor that even the Governor of the State is a Communist, has been called a Communist, and also President Roosevelt.

Q. Have you ever been interested in trying to find out who is and who is not a member of the Communist Party in the trade union movement on the Pacific Coast?

A. No; I have never concerned myself very much about it.

Q. Do you think that a Communist can make a good trade union man?

A. There are a couple or three in our union that don't seem to harm anybody.

(Testimony of Henry A. Schmidt.)

Q. Who are those?

A. Well, a man by the name of Jones got up in the meeting one evening and said that he didn't mind telling those that were assembled there that he was a member of the Communist Party. [4172]

Q. Who else? A. And Brown.

Q. Z. R. Brown? A. No; Archie Brown.

Q. What did he say?

A. I don't think he said anything. It is generally assumed that he must be a member of the Communist Party because on a couple of occasions he either ran for Supervisor of the City or for Congress on the Communist Party ticket.

Q. I see. And who else?

A. That is all that comes to my mind right now.

Q. Did you ever have the nerve to get up in your own union and say, "I am a Communist?"

A. No, sir. I never said anything like that.

Q. Well, now, you heard Mr. Honig testify—you were in the Court room at the time you said—that there have been Communist Party meetings, among others, with the same Archie Brown that you have mentioned?

A. Will you repeat that, please?

Presiding Inspector: Read the question.

(The question referred to was read by the reporter as above recorded.)

A. I was in the court room late one afternoon when this fellow, Honig, was on the stand, but

(Testimony of Henry A. Schmidt.)

whether he testified with regard to one Brown, I don't recall. [4173]

By Mr. Del Guercio:

Q. Did you hear him testify that he attended Communist Party meetings with B. B. Jones?

A. No, I don't think he mentioned that name while I was here.

Q. That is the same Jones whom you said got up in your union one time and said that he was a Communist?

A. Yes.

Mr. Gladstein: Just a minute.

Mr. Myron: He answered.

Mr. Del Guercio: He said "Yes."

Mr. Gladstein: I move that the answer be stricken until I can make an objection to the question.

Presiding Inspector: Let us hear the objection.

Mr. Gladstein: My objection is that the question is absurd because nothing of any probative value could come out of an answer to that question.

Presiding Inspector: I don't see how asking him whether he heard that particular remark is material.

Mr. Del Guercio: To identify the persons who the witness Honig admitted were members of the Communist Party.

Mr. Gladstein: How could this witness do it?

Presiding Inspector: Whether he heard Mr. Honig say something about people being at a meeting or not, seems to me entirely immaterial, or whether he heard it: [4174]

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: That is right. That is the basis of my objection.

Presiding Inspector: I don't see any materiality of what he heard Mr. Honig say. We have got in the record what Mr. Honig did say, I suppose, accurately.

Mr. Myron: He identified Jones as B. B. Jones.

Presiding Inspector: What difference does it make whether he heard Mr. Honig say something or not?

Mr. Myron: It is not what Honig said. He identified the Jones he referred to as B. B. Jones.

Presiding Inspector: The question is, did he hear Mr. Honig say something or other? What difference does it make whether this witness heard Mr. Honig say something, or did not?

Mr. Gladstein: The next question asked was whether this B. B. Jones Mr. Honig talked about is the same man that Mr. Schmidt has mentioned as being a member of his union. How in the world could Mr. Schmidt's answer to that be of any probative value? The identification of Mr. Jones would have to come from the Government's witness.

The first question asked was "Were you here when Mr. Honig mentioned Jones?"

He said, "No."

Then he asked, "Wasn't the Jones mentioned by Mr. Honig the same Jones that you talked about as being a member of the longshoremen's Union?"

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: Is counsel repeating what appears in the record?

Presiding Inspector: I suppose so.

Mr. Del Guercio: May we have those questions and answers read?

Presiding Inspector: Yes, you may.

You may read the two questions.

(The questions and answers referred to were read by the reporter as follows:

"Q. Did you hear him testify that he attended Communist Party meetings with B. B. Jones?

"A. No, I don't think he mentioned that name while I was here.

"Q. That is the same Jones whom you said got up in your union one time and said that he was a Communist?

"A. Yes.")

Presiding Inspector: I will strike out the answer and exclude the question. But I will let you ask whether he understands that your question relates to the same man whom he mentioned as having gotten up in the meeting and said he was a Communist,—even if that is what you want. He says he didn't hear Mr. Honig. Now, how can you ask him what Mr. Honig meant in something that he didn't hear? [4176]

"Q. Is the Jones that you referred to as getting up in your Union and saying those things that he was a Communist, is that B. B. Jones?

(Testimony of Henry A. Schmidt.)

A. Those are his initials, yes.

Presiding Inspector: I think you have got everything that you really wanted.

Mr. Del Guercio: Sir?

Presiding Inspector: You have gotten everything in that answer that you wanted.

Mr. Del Guercio: Yes, sir.

By Mr. Del Guercio:

Q. Now, I believe counsel on direct examination asked you if you knew Walter Stack. You said that you did.

A. I said that I did, yes.

Q. How long have you known Walter Stack?

A. I met him first in 1935 when we organized the American Federation convention. That would make it six years.

Q. You have known him ever since 1935?

A. Yes, sir.

Q. You have known him as a member of the Communist Party during that period of time?

A. That is generally known, although I never heard him say so himself until last year in an Astoria convention of the American Federation. [4177]

Q. Do you know Revels Cacton, C-a-c-t-o-n?

A. Yes, sir.

Q. For how long a period have you known him?

A. About three years.

Q. And during that period of time did you know him as a member of the Communist Party?

A. No; I knew him as the Secretary of District

(Testimony of Henry A. Schmidt.)

Council No. 2. Since he is the Secretary of that body and I happen to be the President we see each other.

Q. Had you heard during that period of time that he was a member of the Communist Party?

A. Oh, that idea is battled around the waterfront sometimes, yes.

Mr. Gladstein: Your Honor, I might say at this point we have not been objecting to questions which asked have you heard that so and so is a member of the Communist Party but, I think, at this point we should make this comment:—

Mr. Myron (Interposing): I think counsel has a perfect right to object to questions when they are asked, not to make speeches afterwards. I object to any such speech.

Mr. Gladstein: If counsel objects he can ask my remarks be stricken.

Mr. Myron: There is no question pending.

Mr. Gladstein: I want to make this statement:—

Presiding Inspector (Interposing): I will hear you. [4178]

Mr. Gladstein: The history of the waterfront since 1934, has been such that probably no person in any position—

Mr. Myron (Interposing): Just a moment. I object to this.

Presiding Inspector: I think that is rather argumentative.

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: I say this is introductory to what I am going to say, your Honor.

Presiding Inspector: What do you want to say?

Mr. Gladstein: What I want to say is this: To ask a question as to whether you have heard that anybody has been talked of as a Communist has no probative value. Though we have not objected to this question I would like to have sort of an indication from the Court as to whether the Court considers questions of that kind material. We feel they are immaterial but we don't like to make any objections that will restrict counsel in the broadest kind of cross examination. We have no objection to that, but we want this understood: There is hardly anyone in any of the Pacific Coast waterfront unions who at some time or other has not been accused of being a Communist, so to ask have you heard whether so and so is a Communist is a question which we feel, in the light of the history of the trade union movement since 1934 on the Pacific Coast, is meaningless, and we point that out to your Honor because hereafter, I think, in view of our feeling on this, [4179] though we had no knowledge that the bulk of Mr. Del Guergio's case would consist of asking people questions as to whether witnesses had heard that so and so was a Communist, we are going to object to such questions as immaterial from now on.

Mr. Myron: I think, in view of that speech, your Honor, that counsel should be censured for making

(Testimony of Henry A. Schmidt.)

those statements in Court. There is absolutely no argument on that. It is merely done for publicity purposes and putting information in the mouth of the witness.

Presiding Inspector: Oh, no, I think it is not so bad.

Mr. Myron: I think it is very bad.

Presiding Inspector: Ask your next question.

Mr. Del Guercio: If the Court please—

Presiding Inspector: Ask the next question. We have closed this matter. I am not going to make any ruling on the matter Mr. Gladstein proposed. Go ahead.

By Mr. Del Guercio:

Q. Have you ever been connected with the Bridges' Defense Committee? A. Oh, yes.

Q. In what capacity, Mr. Schmidt?

A. Right now I happen to be the Chairman of the Bridges' Defense Committee of the Local Union.

Q. Well, did you have any other connection with it?

A. Well, that makes me a member of it.

Q. Did you ever have any other position on the Bridges' [4180] Defense Committee?

A. No, except that a few weeks ago we organized the Bridges' Defense Committee in the San Francisco Industrial Union Council, but that particular group was assimilated by the National Bridges' Defense Committee.

(Testimony of Henry A. Schmidt.)

Q. That is the only connection you have had with the Bridges' Defense Committee?

A. Yes, sir.

Q. Did you ever hold any official position on the Bridges' Defense Committee?

A. You say an unofficial position?

Presiding Inspector: No; did you ever hold any official position? I suppose he means as an officer.

The Witness: You mean such as Executive Secretary or anything like that?

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Anything?

A. Well, now, I am Chairman of a Bridges' Defense Committee, the Bridges' Defense Committee organized by the Local Union of which I happen to be President also. Now, I guess that is official.

Q. That is the only position that you have ever had in the Bridges' Defense Committee?

A. Well, I was a member of the Bridges' Defense Committee that we had in 1939. [4181]

Q. I am speaking about the present—

A. (Interposing): That is all.

Q. Were you ever President of the Bridges' Defense Committee? A. President?

Q. Yes.

A. I didn't know it had a President.

Q. Did you ever hold that title? A. No.

Q. That position? A. No.

Q. Did you ever sign checks? A. Oh, yes.

(Testimony of Henry A. Schmidt.)

Q. For the Bridges' Defense Committee?

A. Nobody can get any dough unless Schmidt signs the checks for the Bridges' Defense Committee.

Q. Are you in charge of the money?

A. No, sir.

Q. Well, how can you sign checks?

A. Well, the Bridges' Defense Committee has authorized the Secretary-Treasurer of our Local Union, as well as the Recording Secretary of our Local Union and the President of our Local Union to sign the checks, and unless all three signatures appear thereon the check is no good. [4182]

Q. Well, in whose account is that money kept?

A. In the name of the Bridges' Defense Committee.

Q. And who are the Trustees?

A. Well, I guess us three, the three men that I just mentioned would be the Trustees.

Q. Are you one of them?

A. I suppose you could put that title on me.

Q. Is that a position in the Bridges' Defense Committee?

A. Well, if you mean by "position" does it pay me anything, the answer is "No."

Q. On October 2, 1940, Mr. Schmidt, did you sign yourself as Henry Schmidt, President, Harry Bridges' Defense Fund?

A. No, I don't see why I should do that. October 2, 1940? It doesn't make sense.

(Testimony of Henry A. Schmidt.)

Q. Did you at any time sign your name Henry Schmidt, President, during 1940?

A. Oh, I signed my name as Henry Schmidt, President of ILWU 1-10 pretty near every day in the year.

Q. In connection with the disbursing of any funds of the Bridges' Defense Committee did you sign your name Henry Schmidt, President, Bridges' Defense Committee?

A. No.

Mr. Gladstein: Your Honor, I think that is quite im- [4183] material. I object.

Mr. Del Guercio: I think it is very material. It goes to the credibility of this witness.

Mr. Gladstein: What will it show?

Presiding Inspector: I don't see that it amounts to much, but I will take it.

Mr. Gladstein: What will it show?

Mr. Del Guercio: His bias and prejudice, if your Honor please.

Presiding Inspector: Well, that is all argument. I am going to take it. At present I don't see that it amounts to much. When it comes to some other phase I may have some other view. He reports that the Committee authorized three persons to sign the checks and the checks are not to be good unless they are signed by these three. He is one of those three persons.

By Mr. Del Guercio:

Q. Do you know Walter E. Bell?

A. Yes, sir.

(Testimony of Henry A. Schmidt.)

Q. What connection does he have with the Bridges' Defense.

A. He is one of the persons authorized to sign the checks and he is the Recording Secretary of our Union.

Q. And Edgar E. Reite, R-e-i-t-e. Is that Reite?

A. We pronounce it Reite (long "i").

Q. Who is he? [4184]

A. He is the Secretary-Treasurer of our Union. He functions in the capacity of Treasurer of the Bridges' Defense Committee.

Mr. Del Guercio: We have some more topics, if your Honor please.

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. I believe you testified yesterday in answer to Mr. Gladstein's questions that you do not know Cannalunga; is that correct?

A. Yes, that is what I said, and I don't know him.

Q. And that you never sat with Mr. Cannalunga in any Communist Party meetings, is that correct?

A. I don't recollect sitting with Mr. Cannalunga in any kind of a meeting.

Q. Have you ever met Cannalunga in any kind of a meeting? A. A moment ago I said "No."

Q. Now, Mr. Schmidt, you also testified yesterday that you were on the negotiating committee during the 1936-1937 maritime strike, and in answer to counsel's—Mr. Gladstein's questions, you ex-

(Testimony of Henry A. Schmidt.)

plained what the negotiating committee did; is that correct? A. Yes, sir.

Q. Who else was on that committee?

A. A man by the name of White who is a Seattle long- [4185] shoreman and Bridges, of course; Matt Meehan, I am sure.

Q. Was C. R. Brown on that Committee?

A. C. R. Brown is not a longshoreman. He couldn't have been on that committee.

Q. Roy Pyle? A. No.

Q. Walter Stack? A. No.

Q. I believe you also testified concerning a joint meeting of the affiliated unions negotiating committee, is that right?

A. No, I don't think I said that because the attempts to organize the joint negotiating committee failed.

Q. Well, did you ever attend any joint meeting of the negotiating committee?

A. There was no such committee. There was only a gathering of the joint marine strike committee which was representative of all unions on strike.

Q. Now, isn't it a fact, Mr. Schmidt, that Mr. Maurice Cannalonga was on this joint negotiating committee?

A. Well, if he was I didn't notice him.

Q. And that you met him at that time?

A. Absolutely no recollection of meeting him and I studied very carefully the photograph that appeared in the paper a couple of weeks ago.

(Testimony of Henry A. Schmidt.)

Q. Did you attend a meeting of the negotiating committee, or of this joint negotiating committee, whichever it was, at which a resolution was adopted to send the following telegram to the Maritime Commission, Secretary of Labor and President Roosevelt dated, "October 14, 1936

"President Roosevelt

"White House,

"Washington, D. C.

"Joint negotiating committee representing all maritime unions takes this means of notifying you that they have attempted to cooperate to the fullest extent with the Maritime Commission to avoid a tie-up Stop The present 15-day extension granted at the request of the Commission has resulted in great unrest on the part of our membership due to employers attitude in refusing bona fide negotiations this situation has been aggravated by Commission's latest assumption of authority not yet in effect when the public and unions were looking to them to take a neutral and pacifying attitude Stop In view of the above and attempting to protect solely fundamental issues unions now have and feel are jeopardized the negotiating committees of maritime unions are submitting to their memberships a referendum asking for full authority to order strike action midnight October twenty-eighth Stop This action taken to avoid tie-up through spontaneous action by our membership and to give Commission chance [4187] to correct false impres-

(Testimony of Henry A. Schmidt.)

sion left in the minds of our members and the public and use their efforts to settle situation peacefully by mediation.

Signed

"F. M. KELLEY, Chairman

"Joint Negotiating Committee

"Maritime Federation."

The Witness: What was the question you were asking me?

By Mr. Del Guercio:

Q. Was such a telegram sent?

A. Well, in all probability. I recall—

Q. (Interposing): Do you recognize it?

A. (Examining document): Yes, I recall the contents of the telegram.

Q. Do you recall the discussions had before the telegram was made up? A. No.

Q. You have no recollection of that?

A. They may have elected a sub-committee, drawn it up and referred it back to the body proper.

Q. Were you present at the time?

A. I may have been; I don't know.

Q. Did you participate in the forming of this telegram?

A. I don't recollect that. There were meetings every day of that body. [4188]

Q. Well, now, Mr. Schmidt, do you recall making a motion that the committee refer the wire, this wire that I have read, to the Publicity Committee for re-adopting or re-drafting?

(Testimony of Henry A. Schmidt.)

A. I may have made such a motion; I don't know.

Mr. Gladstein: Your Honor, I raise this question——

Mr. Del Guercio (Interposing): Just a minute, your Honor. I don't think counsel should interrupt at this time. There is no question.

Presiding Inspector: What is the next question?

By Mr. Del Guercio:

Q. Now, isn't it a fact, Mr. Smith, that the sending of the above telegram was moved by Bridges and seconded by Cannalonga, and that immediately thereafter you made a motion to have the Publicity Committee draft the telegram?

A. No, I don't know whether that is a fact or not. I may have made the motion.

Q. Well, do you recall Mr. Cannalonga seconding Mr. Bridges' motion to that effect?

A. No, sir.

Q. Huh? A. No, sir.

Q. Would you say that Mr. Cannalonga did not second Mr. Bridges' motion to the effect?

A. I have absolutely—— [4189]

Q. (Interposing): At that time?

A. I have absolutely no recollection of it.

Presiding Inspector: His mind is blank on the matter.

The Witness: I recall——

(Testimony of Henry A. Schmidt.)

By Mr. Del Guercio:

Q. (Interposing): Mr. Schmidt, would the minutes of the meeting refresh your memory?

A. Oh, I think so.

Mr. Gladstein: May I see them?

Mr. Del Guercio: Yes, I have no objection to having you see them, Mr. Gladstein.

Mr. Gladstein: I would like to ask, before these are shown, whether these purport to be genuine copies of the minutes or whether they are re-copied or what? I am just interested in knowing how the FBI gets union minutes.

Mr. Del Guercio: Well, he is not interested, apparently, in the witness here, if your Honor please.

Presiding Inspector: Now—

Mr. Gladstein (Interposing): Yes, I am interested in the authenticity of the document, your Honor.

Presiding Inspector: Well, it doesn't call for any ruling.

Mr. Gladstein: No, but Mr. Del Guercio said "If I show you the minutes would it refresh your recollection?" He said "Yes." Now, I think Mr. Del Guercio should not mis- [4190] lead the witness in any way.

Does Mr. Del Guercio vouch for the documents that he is showing me as being a true copy of the minutes?

Mr. Myron: Well, you can see it. What do you think?

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: I would like to—may I see—

Mr. Del Guercio. (Interposing): No; this portion here. (Indicating).

Mr. Gladstein: I can't tell if he doesn't show me the first page. He is showing me something on page three. I don't know if they are the minutes or not.

Mr. Del Guercio: There is no objection to you looking at all of it, Mr. Gladstein, and checking everything in this thing here with the original minutes.

Mr. Gladstein: Which one are you interested in?

Mr. Del Guercio: This particular one (Indicating).

Mr. Gladstein: I will start at the front page of that.

Mr. Del Guercio: And if the Court please, we will give counsel every opportunity to check those with the minutes of that joint committee, every opportunity he wants.

Mr. Gladstein: I still would like this question answered: Do these purport to be copies put out by the committee or are they copies that have been re-made or something of that sort? The reason I ask is this: I assume—I am not sure—but I assume that a record has been kept of the minutes by the committee or the various unions involved and that if I were to request an [4191] opportunity to see those minutes I could see, if they have them, the originals or the copies or whatever they kept and

(Testimony of Henry A. Schmidt.)

have an opportunity to make a comparison. That is why I am inviting Mr. Del Guercio to make a statement. I don't know what these purport to be, whether they purport to be genuine or not.

Presiding Inspector: Well, I suppose he wouldn't have shown them to you unless he understood them to be genuine. [4192]

Mr. Del Guercio: Don't lose the marker, please.

Mr. Gladstein: No, I shan't. I won't disturb the marker.

Mr. Del Guercio: Those books are all over the town, and the minutes are available.

Mr. Gladstein: Pardon?

Mr. Del Guercio: Strike that,—never mind.

Mr. Gladstein: I don't want to take the time to examine these. I can't tell, from examining them, whether they are accurate or whether they were ever corrected at a subsequent meeting, or what the procedure was; I don't know. Perhaps the witness knows.

Mr. Del Guercio: The witness was a member of that committee, if your Honor please, and he will know whether they are or not.

Mr. Gladstein: He may.

Presiding Inspector: Mr. Del Guercio may ask him if he recognizes these as copies of the minutes.

By Mr. Del Guercio:

Q. I will show you, Mr. Schmidt, what purports to be the minutes of the joint meeting of the Negotiating Committee, and with particular reference

(Testimony of Henry A. Schmidt.)

to this telegram that I have read to you, and that portion that subsequently follows:

"Bridges first, Cannalunga seconded. Moved and seconded that we refer this wire to the Publicity Committee for redraft. Schmidt first, O'Neill seconded. Motion carried. Moved and [4193] seconded that we now recess and reconvene at 4:30 P. M. Motion carried. Meeting recessed at 2:40 P. M."

Will you look at that and see if that doesn't refresh your recollection as to whether or not you ever met Mr. Cannalunga?

A. (Examining document): I am all finished looking at it.

Q. Does it refresh your memory?

A. No, sir. I still insist I don't know Cannalunga or ever having met him.

Q. Would you say that this did not occur as reflected by the minutes?

A. I wouldn't say that. There were more people in this particular room, I believe, than there are in this room here right now, and I certainly wouldn't be expected to recall the faces here now. Besides, there might have been half a dozen—

Q. (Interposing): There is no question, Mr. Schmidt.

Mr. Gladstein: He hasn't finished. Let him finish his answer.

Presiding Inspector: He has said it doesn't refresh his recollection.

Mr. Gladstein: But he started to say something else.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Do you want to say something else?

Mr. Myron: Let's hear him talk. [4194]

Presiding Inspector: I will let him explain.

A. (Continuing): In all probability there would have been a half dozen seconds to that kind of a motion, maybe twelve or fourteen.

By Mr. Del Guercio:

Q. Was Walter Stack on this Negotiating Committee? A. He may have been.

Mr. Gladstein: I don't like to interrupt the proceedings, but I think we are entitled to this much courtesy from counsel. Mr. Myron keeps staring at our table and making remarks under his breath at us. I don't have any objection to it, except it does make it difficult for us to concentrate on what is going on. If he wants to have a good time——

Presiding Inspector: I haven't heard anything.

Mr. Gladstein: No, naturally.

Mr. Myron: I didn't realize I was looking at counsel's table. I have tried to keep my face from the table at most times, except when they have a document or something relevant there.

Presiding Inspector: I couldn't hear anything.

Mr. Gladstein: Mr. Myron has made an incorrect statement.

Presiding Inspector: Counsel at either table should not disturb the other. We are trying to conduct an investigation here, and all are taking part in it, but neither should disturb the other.

(Testimony of Henry A. Schmidt.)

Go ahead. [4195]

By Mr. Del Guercio:

Q. Do you remember a meeting of this same negotiating committee taking place on October 19, 1936?

A. It may have met.

Q. Let me give you something a little further and perhaps it may refresh your memory. The meeting was called to order in the Masters, Mates and Pilots Hall in San Francisco by Chairman Fisher.

A. I don't recall that particular meeting, but I recall very many meetings there.

Q. Do you recall a meeting in which Mr. William Fisher was Chairman?

A. Surely.

Q. And F. M. Kelley, Secretary?

A. Yes.

Q. And do you remember that at that meeting the credentials of W. J. Stack being read?

A. No, I don't recall that.

Q. You don't recall that?

A. No.

Q. At any meeting?

A. No.

Q. Do you recall that it was moved and seconded that the delegate, Stack, be seated?

A. No, sir; I don't recall that. [4196]

Q. Do you recall that the motion was carried?

A. I can't recall that either.

Q. And do you recall that it was understood that Walter J. Stack was replacing Cannalonga?

A. No, sir; that doesn't mean anything to me either.

Q. If the minutes of that Negotiating Commit-

(Testimony of Henry A. Schmidt.)

tee for October 19, 1936, would so state, would it be correct?

A. Well, if the minutes of the following meeting would state that the minutes of the previous meeting had been read and corrected, I think it would be so.

Q. Well, I will show—never mind.

Presiding Inspector: I think, before you do that, we will take a recess until 2:00 o'clock.

(Whereupon, at 12:30 P.M., a recess was taken until 2:00 P.M. of the same day.) [4197]

After Recess

2:00 o'clock P.M.

Presiding Inspector: You may proceed.

HENRY A. SCHMIDT

called as a witness on behalf of the Alien, having been previously duly sworn, testified further as follows:

Cross Examination (Resumed)

By Mr. Del Guercio:

Q. Mr. Schmidt, were you ever a member of the Keep America out of the War Committee?

A. No.

Q. Do you know what kind of an organization that is? A. No, I really don't.

Q. You said you knew Bill Schneidermann. His correct name is Vevel Schneidermann?

(Testimony of Henry A. Schmidt.)

A. I haven't the slightest idea.

The Reporter: How do you spell that first name?

Mr. Del Guercio: V-e-v-e-l.

By Mr. Del Guercio:

Q. You knew, did you not, that an action had been brought in the U. S. District Court in this city to cancell his certificate of naturalization?

Mr. Gladstein: I will object to that question as immaterial.

Presiding Inspector: I do not see how it is material. [4198]

Mr. Del Guercio: Well, it is leading to the next question, if your Honor please.

Mr. Gladstein: There is a way of proving it.

Presiding Inspector: Let us hear the next question. I don't know what it is.

By Mr. Del Guercio:

Q. Bill Schneidermann, at the time this proceeding was brought in the U. S. District Court, also had a defense fund, didn't he?

Mr. Gladstein: I object to that as immaterial.

Presiding Inspector: I will sustain the objection. I don't think we can go into that. I don't see how that is pertinent.

Mr. Del Guercio: To show this man's activity. This witness has denied that he ever was a member of the Communist Party.

Presiding Inspector: Even so——

Mr. Del Guercio: (Interposing). I want to show that by a line of conduct this man here, this witness, has been a member of the Communist

(Testimony of Henry A. Schmidt.)

Party. I say this advisedly, if the Court please. If we were trying this witness here I believe we could bring evidence into court to show that he has been a member of the Communist Party.

Presiding Inspector: We are not——

Mr. Del Guercio: (Interposing) This is along that line. [4199] Bill Schneidermann has been quite a well-known Communist character in these parts.

Presiding Inspector: We have had a good deal about Mr. Schneidermann in evidence here, but whether the Government has prosecuted him for a crime, or has proceeded to deport him doesn't seem to be material.

Mr. Del Guercio: If this witness has also contributed money to the Bill Schneidermann defense fund——

Presiding Inspector: He has a right to do that.

Mr. Gladstein: Under Mr. Del Guercio's theory every person who has ever——

Presiding Inspector: I have ruled in your favor. Don't argue further.

Mr. Gladstein: All right.

Presiding Inspector: It is too remote.

By Mr. Del Guercio:

Q. Mr. Schmidt, do you recollect attending a mass meeting held in the San Francisco Municipal Auditorium on December 8, 1936, at which meeting Harry Bridges entered into a debate with Mr. Roger Lapham?

A. Well, I am not sure of the date but I was at

(Testimony of Henry A. Schmidt.)

the meeting where Bridges debated or spoke and where Mr. Lapham spoke..

Q. Were you on the speakers' platform?

A. Yes, sir. [4200]

Q. Who else was on the speakers' platform on that occasion?

A. Oh, there were a couple of dozen people.

Q. Well, whom?

A. George Wilson, I believe, was the Chairman; Bridges, Lapham, myself, Mr. Almon Roth, several other men who have association with the shipowners, quite a few.

Q. How many were on the speakers' platform, how many people?

A. I think maybe 20 or 25; there might even have been 30.

Q. Is that all the people whose names you can remember who were on the speakers' platform on that occasion?

A. No; I think the Vice President of the McCormick Steamship Company, J. Linney, was there. Goldblatt was there, I am pretty sure.

Q. Is that Louis Goldblatt?

A. Yes, sir.

Q. He was there?

A. Yes.

Q. Who else?

A. I think Mr. Plant of the American-Hawaiian Steamship Company was sitting there.

The Reporter: Spell it, please.

The Witness: P-l-a-n-t. [4201]

By Mr. Del Guercio:

Q. Who else, Mr. Schmidt?

(Testimony of Henry A. Schmidt.)

A. That is about all the names I recall right now.

Q. You can't recall any others?

Mr. Gladstein: He has answered that question. I object to the question.

Mr. Del Guercio: I want to give him all the time he wants, if your Honor please.

Mr. Gladstein: I object to this line of inquiry as immaterial unless counsel states his purpose, then.

Presiding Inspector: Oh, I will receive it.

A.. If you will mention some names I might be able to tell you if they were there or not.

By Mr. Del Guercio:

Q. Well, Mr. Schmidt, you know that William Schneidermann was on the speakers' platform at that last meeting, do you not?

A. No, sir, I am sure he was not there.

Q. You are sure he was not there?

A. I certainly didn't see him.

Mr. Gladstein: I still question the materiality of this unless counsel claims that Mr. Schneidermann was present. I don't know.

Mr. Del Guercio: If the Court please——

Mr. Gladstein: (Interposing) May I finish my objection? I object to this line of inquiry unless counsel claims the [4202] alleged presence of Mr. Schneidermann on that platform makes all people on the platform affiliated in some way with the Communist Party.

Mr. Del Guercio: Mr. Gladstein's witness——

Presiding Inspector: (Interposing) I have al-

(Testimony of Henry A. Schmidt.)

ready ruled and allowed the question. I adhered to the ruling if that was a motion to make me change it.

By Mr. Del Guercio:

Q. Were you ever a member of the American League against War and Fascism, Mr. Schmidt?

A. No, sir.

Q. Did you ever speak on behalf of the American League against War and Fascism?

Presiding Inspector: Did you ever what?

Mr. Del Guercio: Speak.

Presiding Inspector: Did you ever speak?

Mr. Del Guercio: Yes.

A. I don't think so. I believe they asked me one time to speak somewhere. My recollection is that I refused.

By Mr. Del Guercio:

Q. Did you ever speak in any of the meetings of the Friends of the Soviet Union?

A. No, I don't recollect.

Q. Do you recollect making a speech on November 9, 1935 at a meeting of the Friends of the Soviet Union at the California [4203] Hall?

A. No; I recollect having made a speech in the California Hall. Whether or not it was that date I don't recall.

Q. And what were your subjects?

A. Well, I was talking on the strike. I am pretty sure it was, during the 1934 strike.

Q. Did you ever speak on the subject of "A Night in Russia"?

(Testimony of Henry A. Schmidt.)

A. The subject of what?

Q. A Night in Russia.

A. A Night in Russia?

Q. Yes. A. No, sir.

Q. Did you ever make a speech at the Scottish Rite Temple or Scottish Rite Auditorium on behalf of the American League against War and Fascism on August 1, 1936? A. I don't recall.

Q. Do you subscribe to the Western Worker, Mr. Schmidt? A. No, sir.

Q. Did you ever subscribe to the Western Worker?

A. Never subscribed to the Western Worker.

Q. If the Western Worker for August 6, 1936 carried a notice that you, Henry Schmidt, spoke at a mass meeting at the Scottish Rite Auditorium for the American League against War and Fascism would that refresh your memory? [4204]

Mr. Gladstein: I object to that. The way of refreshing a witness' recollection is to show him any article which purports to be on the topic matter, and not to ask the witness first that question.

Presiding Inspector: That is true. At the same time he has added some material, I think, and without regard to whether anything was published, he may ask the witness.

Mr. Gladstein: But it calls for conjecture.

Mr. Del Guercio: I will withdraw the question.

By Mr. Del Guercio:

Q. Did you ever read any article in the paper stating that you had spoken at the Scottish Rite

(Testimony of Henry A. Schmidt.)

Auditorium on August 1, 1936, for the American League against War and Fascism?

A. No, I don't recall reading such material or article.

Q. Was such an article ever brought to your attention? A. Not that I can recall.

Q. And is it your testimony that you did not speak in the Scottish Rite Auditorium on August 1, 1936? A. I didn't say that.

Q. What is your testimony?

A. It is in the record.

Q. Will you repeat it?

Presiding Inspector: He has no recollection on it, he said.

Mr. Gladstein: He was asked whether he spoke on behalf of a certain organization on a certain day. [4205]

Presiding Inspector: Later, I think, he left that out.

Mr. Gladstein: It was left out, but as far as speaking at that auditorium—

Presiding Inspector: Have you any recollection about any speech there at all?

The Witness: Oh, yes.

Presiding Inspector: Oh, you have? I misunderstood.

By Mr. Del Guercio:

Q. At whose invitation?

A. Well, it so happens that before our union started to meeting at Eagles Hall we used to meet

(Testimony of Henry A. Schmidt.)

in the Scottish Rite Auditorium and we were there every Monday night.

Q. Did you meet there on August 1, 1936?

A. I don't know whether that was Monday or not.

Q. Was there a meeting there of the American League against War and Fascism on August 1, 1936?

A. I don't know whether there was or not; might have been.

Q. Did you speak on August 1, 1936; at a meeting in the Scottish Rite Auditorium—

A. (Interposing) I don't remember.

Q. (Continuing) —for the American Legion against War and Fascism?

Presiding Inspector: He started to answer before you finished the question.

Read the whole question to the witness now.

[4206]

(The question referred to was read by the reporter as above recorded.)

A. I hesitate to say that I might have because I don't remember.

By Mr. Del Guercio:

Q. Mr. Schmidt, did you ever preside at a meeting in Dreamland Auditorium when Lawrence Simpson talked on the subject "Eighteen Months in a Nazi Hell"?

A. No, I don't think so. I think I was a spectator at the meeting.

(Testimony of Henry A. Schmidt.)

Q. Were you on the speaker's platform?

A. I don't think so.

Q. Under whose auspices was this meeting conducted?

A. I haven't the slightest idea now.

Q. Had it been arranged prior to the meeting that you were to preside?

A. I don't recollect.

Q. Do you recall now that that meeting was held under the auspices of the International Labor Defense?

A. No, I don't recall that at all.

Q. Did you ever write any article for the Peoples' World; Mr. Schmidt?

A. Did I ever write any article for the Peoples' World?

A. Yes. A. No. [4207]

Q. Any letters? A. No.

Q. Or anything that was published in the Peoples' World?

A. Never wrote anything. I guess I have been quoted in the Peoples' World.

Q. Did you ever send birthday greetings to the Editor of Peoples' World?

A. To the Editor of Peoples' World?

Q. Yes.

A. No recollection of doing anything like that. I don't know when his birthday is.

Q. You don't have a recollection of it?

A. No.

Q. Would you say that you didn't send birthday

(Testimony of Henry A. Schmidt.)

greetings to the Editor of the Peoples' World on, say, June 29, 1938?

A. No, I would hesitate to say that I didn't.

Q. Your testimony is that you don't know whether you did or not?

A. I don't know whether I did or not.

Q. Did you know the Editor of the Peoples' World at that time in 1938? . A. No.

Q. You don't have any recollection on it?

A. No.

Q. Would you say you didn't know? [4208]

A. Did I say I didn't what?

Q. That you did not know the Editor of Peoples' World in 1938?

A. I don't think I knew him.

Q. Would there be any occasion for your sending him a birthday greeting?

A. I don't think there would be.

Q. And if an article appeared in the Peoples' World under date of June 29, 1938 stating that you, Henry Schmidt, had sent birthday greetings to the Editor, would that article be true?

Mr. Gladstein: That is improper and I object to it.

Presiding Inspector: I think it is immaterial.

Mr. Del Guercio: I will withdraw the question.

By Mr. Del Guercio:

Q. Did you ever make a trip to Mexico, Mr. Schmidt? A. Yes.

Q. When? A. 1938?

Q. Alone?

(Testimony of Henry A. Schmidt.)

A. No. There was another longshoreman with me.

Q. What was his name? A. His name?

Q. Yes?

A. His name is Zerfrani—Z-e-r-f-r-a-n-i. [4209]

Q. And where in Mexico did you go?

A. Mexico City.

Q. Is that the only place in Mexico that you went?

A. Several other places that we had to pass through in order to get there.

Q. What was the occasion for this trip?

A. The Latin-American Labor Congress.

Q. Were they holding a convention in Mexico City? A. Yes.

Q. Were you a delegate to it?

A. I was a fraternal delegate representing the State CIO of California.

Q. Who was this longshoreman that went with you, was he also a delegate?

A. No; he just went along for the trip.

Q. Did he pay for his own passage?

A. He paid for his own food, and his own lodging. He didn't have to pay for transportation.

Q. Who paid his transportation?

A. We used an automobile.

Q. Your automobile?

A. No; it belonged to our union.

Q. And is it true that about that time you were elected a member of the Presidium of the World Congress Against War and Fascism? [4210]

(Testimony of Henry A. Schmidt.)

A. That might have happened; possibly.

Q. Did you—were you? A. Maybe I was.

Q. Don't you know? A. It might be so.

Q. Why do you hesitate, Mr. Schmidt, on a matter of that kind? You can answer that "Yes" or "No".

A. I am not going to say "Yes" until I am sure in my own mind.

Q. Are you sure in your own mind now?

A. Not yet.

Q. All right. Do you want some time to think about it? A. I have got lots of time.

Q. Well, now, were you elected a member of the Presidium of the World Congress Against War and Fascism?

A. I can only repeat what I stated a minute ago. I am not going to say "Yes" until I am sure. [4211]

Q. Were you ever notified that you were elected a member of the Presidium to the World Congress Against War and Fascism?

A. You mean by communication, word of mouth or letter?

Q. In any manner?

A. I have no recollection right now.

Q. Did you ever sign any proclamation against war? A. Oh, I probably did, yes.

Q. When? A. I don't know.

Q. Huh? A. I don't know.

Q. Did you ever sign the Yank's Proclamation against war?

Presiding Inspector: The what?

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: Yanks, Y-a-n-k-s, the Yanks, Yankees.

A. I may have; I don't know.

By Mr. Del Guercio:

Q. You have no recollection?

A. That is right.

Q. Would you say that you did not?

Mr. Gladstein: Now, I object to that. It has been asked and answered. Also, I think, it is immaterial.

Mr. Del Guercio: I think we are entitled, if the Court please, to a yes or no answer. [4212]

Presiding Inspector: I can't imagine what it has to do with this case.

Mr. Del Guercio: They are matters within the witness' knowledge, testing his veracity.

Presiding Inspector: Oh, well, I haven't any idea what the proclamation is, what the society is. It is just something out of the air so far as it appears—

Mr. Del Guercio: (Interposing) It was a commonly known front organization of the Communist Party.

Presiding Inspector: That may be. I don't know anything about it, that is, we have had nothing in this case about it.

Mr. Del Guercio: It is already in the record.

Presiding Inspector: Are you sure about that? That I didn't recall.

Mr. Del Guercio: The League Against War and Fascism.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Oh, yes, but this is now some proclamation. I haven't connected that with any one—

Mr. Del Guercio: (Interposing) Proclamation against war and Fascism sponsored by the—

Presiding Inspector: (Interposing) You haven't shown it.

Mr. Del Guercio: Sir?

Presiding Inspector: You haven't even suggested it. You said, "Did you sign a proclamation, a statement against war", a very general question. He said he might have, pro- [4213] bably did. Then, you asked him, if he signed—

Mr. Del Guercio: (Interposing) Then, I asked him about a specific one.

Presiding Insepctor: Yes, but we don't know what it is.

By Mr. Del Guercio:

Q. Did you ever sign—may I ask this question?

Presiding Inspector: Yes.

By Mr. Del Guercio:

Q. Did you ever sign such a proclamation against war, on or about April 6, 1940?

Mr. Gladstein: I will object to that as immaterial, your Honor.

Presiding Inspector: I can't see what difference it makes. "Such a proclamation against war", what do you mean by "such a proclamation"?

Mr. Del Guercio: One sponsored by the League Against War and Fascism, your Honor.

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: And, I think, that would be immaterial.

Presiding Inspector: Yes, but that comes a little nearer. I will take that.

A. Well, I know that I have signed petitions that advocate against war, but whether or not I signed the one you are talking about I don't know. There are all kinds of petitions floating around in our union office all the time.

By Mr. Del Guercio:

Q. Now, is this an answer to the question?

[4214]

A. Yes, sir.

Q. Did you speak, Mr. Schmidt, at Franklin Hall on August 8, 1937?

A. Franklin Hall? Where is that?

Q. San Francisco.

A. I can't place the location of that in my mind at all, Franklin Hall.

Q. Did you ever speak anywhere at any time on the subject "Young Labor on the March?"

A. No.

Q. Did you ever speak at any time at any place under the auspices of the Young Communist League?

A. No.

Mr. Del Guercio: Now, if the Court please, I have a matter here, concerning this witness that we are verifying and I expected to put it in at any time now but it has not come down yet. It might take five or ten minutes.

Mr. Gladstein: I didn't hear you.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: They want about five or ten minutes to prepare for a different line of questioning, I suppose.

Mr. Del Guercio: That is right.

Mr. Gladstein: What do you suggest?

Presiding Inspector: Other than that—

Mr. Del Guercio: Other than that, why, I believe we are through with this witness. [4215]

Presiding Inspector: Other than that they think they are through with this witness.

Mr. Gladstein: How long will the balance of the cross take, Mr. Del Guercio:

Mr. Del Guercio: Oh, not more than ten minutes.

Mr. Gladstein: I beg your pardon?

Mr. Del Guercio: Not more than ten minutes, if that much.

Mr. Gladstein: Would your Honor like me to go on with the redirect?

Presiding Inspector: Yes, I would like you to.

Mr. Gladstein: As a matter of fact, I would prefer not to. Perhaps it would be well for us to wait until the cross is over.

Presiding Inspector: Very well. You couldn't put on another witness, or don't you want to break into this?

Mr. Gladstein: Rather not, your Honor.

Presiding Inspector: Very well, we will take a short recess.

(Whereupon a short recess was taken.)

[4216]

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: If the Court please, I haven't had a report on the matter I had in mind, but I will ask this witness a few more questions.

Presiding Inspector: Very well.

By Mr. Del Guercio:

Q. Now, Mr. Schmidt, did you at any time sign a petition to place the Communist Party on the ballot in California?

A. I may have done that.

Q. When? A. I guess it was in 1940.

Q. At any time prior to 1940 did you sign a petition to place the Communist Party on the ballot?

A. It is impossible for me to recollect because, as I stated before, there are all kinds of petitions being brought to our union office by various people and we place them in a certain place where our members can read them and sign them if they want to.

Q. You know the kind of a petition I am talking about. I am talking about a petition to put the Communist Party of the U.S.A. on the ballot.

Mr. Gladstein: I object to that question as argumentative and as having been asked and answered, your Honor.

Presiding Inspector: Well, in light of what he said, that there were all kinds of petitions, I will allow that.

By the way, the presiding Inspector doesn't know what kind [4217] of a petition it is.

Mr. Del Guercio: I don't know as I can describe it any better than it is a petition placed—

Presiding Inspector: I don't know what the

(Testimony of Henry A. Schmidt.)

person certifies to when he signs it, but you may ask. In the State of New York we don't have any such thing.

Mr. Gladstein: I want the record to reflect my objection to the question as immaterial. I don't see how signing a petition to permit what purports to be a political organization to be on the ballot, assuming there was such a signing that took place, I don't see how that can be material to the issues here.

Presiding Inspector: I don't know whether it certified that the signers were in sympathy with the principles of the organization. Of course, when you file a petition for the nomination of a person on a certain party, where we have direct primaries of that kind, why you certify that you are in general sympathy. I don't know whether you do that in your State or not. In our State that is the way it is.

Mr. Del Guercio: I believe that is also true in the State of California.

Presiding Inspector: I don't know.

Mr. Del Guercio: The Court can take judicial notice of the law in California on the subject.

Presiding Inspector: Yes. [4218]

Mr. Gladstein: I challenge Mr. Del Guercio's statement and I ask him to show the witness any petition which he is purported to have signed so that the record may reflect accurately what such a petition contains.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Maybe that is what he has in mind to do. At any rate, I will allow the question. It may amount to a great deal, and it may amount to little, or nothing.

Mr. Del Guercio: I will ask the witness to explain. He said he signed such a petition.

Presiding Inspector: No—did you say that?

The Witness: I didn't say that I signed that petition.

Mr. Del Guercio: In 1940; didn't you say that?

I will ask the reporter to read what he said he signed in 1940, the question and answer where "1940" is mentioned.

(The question and answer referred to were read by the reporter as above recorded.)

Presiding Inspector: I suppose that is an implied "Yes". It is not very direct.

By Mr. Del Guercio:

Q. What kind of a petition did you sign in 1940?

A. I probably signed several petitions in 1940. I certainly couldn't recall the exact wording of them.

Q. Well, Mr. Schmidt, in 1940, that was last year? A. Yes.

Q. Now; tell me what kind of petitions, all the kinds of [4219] petitions that you signed in 1940?

A. Well, there might have been the one you are talking about.

Q. What is that?

(Testimony of Henry A. Schmidt.)

A. To place the Communist Party on the ballot, you say.

Q. It might have been? A. That is right.

Q. Are you sure? A. No, I am not sure.

Q. Well, you say you might have signed other petitions? A. Yes.

Q. What petitions did you sign in the year 1940?

A. I might have signed a petition advocating opposition to war.

Q. When you say "I might have", is there a doubt in your mind? A. Yes.

Q. Well, will you tell me all the petitions that you signed in the year 1940 that you have no doubt about? A. I couldn't do that.

Q. Not a single one? A. No, sir.

Q. You have no further recollection concerning the petition for placing the Communist Party on the ballot? A. That is correct.

Q. That you signed in 1940, other than what you have [4220] testified to?

A. That is right.

Mr. Del Guercio: That is all.

May I ask, if your Honor please, that this witness be made available for further questioning?

Presiding Inspector: We will take that up when Mr. Gladstein finishes.

Mr. Gladstein: Has counsel finished his cross examination?

Mr. Del Guercio: At the present time.

Presiding Inspector: He says he has a matter—

(Testimony of Henry A. Schmidt.)
you heard him yourself—he is investigating. I am going to give him an opportunity to present that.

Redirect Examination

By Mr. Gladstein:

Q. Mr. Schmidt, the name of Lee Holman was mentioned during the cross examination as having been the President of the ILA Union in San Francisco in 1933 and 1934. Can you describe generally and briefly what the situation was on the waterfront in so far as the working longshoremen were concerned during the period that Mr. Holman was President of the ILA Union and during that same period when the Equality Hall group were meeting?

Mr. Myron: That is immaterial, your Honor.

Presiding Inspector: I think you went into that. I will take it. [4221]

Mr. Myron: The conditions of the working class on the waterfront? I don't think anything was said about that.

Presiding Inspector: Read the question.

Mr. Gladstein: Do you want me to explain the materiality?

Presiding Inspector: I want to hear the question.

(The question referred to was read by the reporter as above recorded.)

Presiding Inspector: I didn't suppose you wanted anything more than the matters in the Union. Do you want to go into the situation of the social conditions of the workers?

Mr. Gladstein: Only to this extent, your Honor.

(Testimony of Henry A. Schmidt.)

During cross examination Mr. Schmidt was asked whether it wasn't a fact that the Equality Hall group was opposed to Mr. Holman, and whether the opposition wasn't due to the fact, as it was alleged in the questions, that Mr. Holman was opposing Communism.

Now, I would like, through my redirect examination, to bring out the nature of any opposition that existed to Mr. Holman, and the basis of that opposition.

Presiding Inspector: We won't go into the basis as a matter of fact.

Mr. Gladstein: No, merely—

Presiding Inspector: We will go into what was stated.

Mr. Gladstein: That is what I had in mind.

Presiding Inspector: Whether it is true or not we don't care; I mean to say to determine the question before us. [4222]

Mr. Gladstein: At least the record will show what the nature of the opposition, if it was opposition, in fact, was.

Presiding Inspector: I will allow you to show what the nature of the opposition was, if you can.

Mr. Myron: The answer to both questions was "Yes."

Mr. Gladstein: What questions?

Mr. Myron: Both questions that Mr. Gladstein spoke about.

Presiding Inspector: I don't know what you mean.

(Testimony of Henry A. Schmidt.)

Mr. Myron: That the Equality group did oppose Holman—

Presiding Inspector: There is no doubt about that.

Mr. Myron: (Continuing) —and that Holman opposed Communism.

Presiding Inspector: That may not have been the reason they opposed Holman.

Mr. Myron: That is the answer that the witness gave.

Presiding Inspector: That doesn't say that was the reason. You draw that conclusion, and that inference may be drawn, but it isn't the only possible inference.

Mr. Myron: That is the only answer the witness gave.

Presiding Inspector: We are going to find out whether there was something else.

Mr. Myron: He is going into the working conditions—

Presiding Inspector: No, we are not going into that.

By Mr. Gladstein: [4223]

Q. I will put the question this way: What, in fact, Mr. Schmidt, was the basis of opposition, as we shall call it, of the Equality Hall group to Mr. Holman while the latter was President of ILA 38-79?

Mr. Del Guercio: If your Honor please, that is the same question in a different form.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Yes, but it doesn't go into the factual matter.

Mr. Del Guercio: No."

Presiding Inspector: It is only what they claim was why they opposed Mr. Holman. Now, you have sought to draw an inference that they opposed Mr. Holman because Mr. Holman opposed Communism, as you call it. Now, they are going to show that that wasn't the sole, at any rate, basis of the opposition; or perhaps was not any basis. I don't know. I will allow it.

A. Chiefly because while Mr. Holman was President there was nothing being done in so far as bettering the conditions of the workers was concerned. I recall he had a peculiar habit of getting up on the platform and raising his hands to the ceiling and saying that he was willing to die for the longshoremen. I concluded right there and then the guy was phony. [4224]

By Mr. Gladstein:

Q. What were the complaints that were being made by the longshoremen while Mr. Holman was its leader?

Mr. Myron: That is a leading question.

Mr. Del Guercio: Leading and immaterial, your Honor.

Mr. Myron: There is no evidence of that sort; there is absolutely no evidence in the record.

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. I will put it this way: Were there any complaints being made by the longshoremen who were in the Equality Hall group during meetings of ILA 38-79 while Mr. Holman was President?

Presiding Inspector: Complaints in the——

Mr. Gladstein: In the union.

Presiding Inspector: In the organization itself?

Mr. Gladstein: Yes, your Honor.

Presiding Inspector: Yes, I will take that.

A. Well, occasionally someone on the Executive Board would point out this and that would have to be done in order to get something moving on this waterfront so far as the bettering of the conditions was concerned. It seemed to be impossible to make Mr. Holman move in any direction.

Q. What was the subject matter of the complaints that were made by members of the Equality Hall group?

A. Well, they proposed that coastwise conferences ought [4225] to be arranged for, that unity and solidarity had to be established between all the longshoremen on the Pacific Coast, and that we would have to submit demands to the employers.

Q. What did these demands concern? What did they refer to?

A. They referred to——

Mr. Del Guercio: (Interposing) If your Honor please, now, we are going——

Presiding Inspector: (Interposing) You only want that they referred to the conditions of the trade, I suppose?

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: Yes, I want that in the record.

Presiding Inspector: I think that is perfectly evident. I don't think I would go any further than that. I think he said that already.

Mr. Gladstein: I would like permission to ask this question, then, your Honor. I am not sure of the state of the record.

By Mr. Gladstein:

Q. Would it be correct to state, Mr. Schmidt, that, in general, the complaints by the members of the Equality Hall group that were made in the Union meetings while Mr. Holman was President of ILA 38-79 had to do with questions of hours, wages, working conditions and grievances of San Francisco longshoremen?

A. Nothing else but that.

Mr. Del Guercio: Now, if your Honor please—

[4226]

Presiding Inspector: (Interposing) I will take that.

Mr. Del Guercio: What?

Presiding Inspector: I will let that stand. That isn't going into whether these were just complaints or not, or what the conditions were. He is merely offering this as the basis, according to his theory, of the attitude of this group, which we have heard so much about, toward the President of the Union.

Mr. Gladstein: Yes, Mr. Holman.

By Mr. Gladstein:

Q. Now, at any time, Mr. Schmidt, did you obtain evidence—withdraw that.

(Testimony of Henry A. Schmidt.)

Do you know whether at any time evidence was obtained to the effect that Mr. Holman was secretly working in the employ of the shipowners while he was President of the Union?

Mr. Myron: I object to that question, your Honor.

Presiding Inspector: Well, is that one of the complaints?

Mr. Gladstein: It became one of the very important ones, yes.

Mr. Myron: Now, is Mr. Gladstein testifying?

Presiding Inspector: He has not stated there was any such complaint.

Mr. Gladstein: He has not been asked yet.

Presiding Inspector: You asked him what the basis of the complaints were, if there were any others. [4227]

Mr. Gladstein: Well, all right, I will withdraw that.

By Mr. Gladstein:

Q. Have you stated all of the bases or the grounds of complaint that the longshoremen, who were represented by the special Equality Hall group, had to make against Mr. Holman's leadership in the union?

Mr. Del Guercio: Now, if your Honor please, I object to that. Counsel has already indicated what he wants the witness to say.

Presiding Inspector: The Presiding Inspector will take that into consideration. I will allow it.

The Witness: Will you repeat it, please?

(Testimony of Henry A. Schmidt.)

(The question referred to was read by the reporter as above recorded.)

A. That is stating it generally. I might go into some detail but—

By Mr. Gladstein:

Q. (Interposing) Well, I wish you would.

Mr. Del Guercio: I object to that, your Honor.

Mr. Gladstein: I am inviting the witness to go into detail on the bases of the complaints.

Presiding Inspector: Very well.

A. Well, some of the longshoremen were not exactly led to believe, but they believed that inasmuch as most of [4228] them belonged to this Union they could afford to become a little more militant than they had been. As a matter of fact, prior to that time they didn't even know the word, the meaning of the word, militancy, and some of them took some steps to do away with some of the extremely miserable conditions that existed on the San Francisco waterfront. As a result of their action, including myself, we were knocked off the job. We couldn't get Mr. Holman to do anything about it in so far as rectifying that is concerned.

By Mr. Gladstein:

Q. Were matters of that kind made the subject of complaints in open meetings of the ILA?

A. Certainly.

Q. Did Mr. Holman do anything to rectify those alleged grievances?

A. No, he did nothing at all. In fact, he didn't

(Testimony of Henry A. Schmidt.)

know how to move. Of course, later on we found out that he was in the pay of the Industrial Association of San Francisco.

Mr. Del Guercio: There it is now, your Honor. It has come out, exactly what counsel has put in the witness' mouth.

Mr. Gladstein: It is the fact, and we will prove it.

Presiding Inspector: I don't know whether you will prove it or not, but we will let it stand now.

[4229]

By Mr. Gladstein:

Q. Now, Mr. Schmidt, during the time Mr. Holman was President of the ILA 38-79, was there or not any general suspicion among the longshoremen that Mr. Holman was in the secret pay of the employers?

Mr. Myron: I object to that.

Presiding Inspector: I don't think suspicions are a matter of consideration here.

Mr. Gladstein: This is preliminary, your Honor; this is preliminary.

Mr. Myron: All these questions seem to be preliminary, your Honor.

Mr. Gladstein: This is preliminary to the one that follows which will—

Presiding Inspector: (Interposing) Let's hear the one that follows.

Mr. Gladstein: All right. The next one is whether Mr. Schmidt, of his own knowledge, knows that a discovery was made that Mr. Holman actually was in the secret employ of the Industrial As-

(Testimony of Henry A. Schmidt.)

sociation, an organization of shipowners. Now, that is an organization which is—

Presiding Inspector: (Interposing) While he was still President?

Mr. Gladstein: While he was still President.

Presiding Inspector: I mean, this was discovered while [4230] he was still President?

Mr. Gladstein: No; it was confessed later.

Presiding Inspector: Then, we don't care about it. It is not material.

Mr. Gladstein: Why, your Honor?

Presiding Inspector: We don't care what the fact is. The only question here is whether the opposition of this group to Mr. Holman was based upon the fact, as claimed by the employees, implied in the questions of Mr. Del Guercio, because he was opposing Communism. Now, what the fact was is not material. We are only looking at it in its reference to this Albion Hall group.

Mr. Gladstein: Well, if that is true, your Honor—

Presiding Inspector: (Interposing) Well, that is the only thing they have claimed about it.

Mr. Gladstein: Well, first of all, I can't follow your Honor in saying that we are not entitled to introduce the actual facts as they were.

Presiding Inspector: Mr. Holman isn't on trial here.

Mr. Gladstein: I appreciate that, but—

(Testimony of Henry A. Schmidt.) —

Presiding Inspector: (Interposing) I understand he died some years ago.

Mr. Gladstein: I don't know a thing about that.

Presiding Inspector: That is what I understood. Is he living? [4231]

The Witness: Yes.

Presiding Inspector: Oh, I thought you said—

The Witness: (Interposing) I don't know whether he is living today or not.

Presiding Inspector: That is what I thought you said; I thought you said he died?

The Witness: No, I didn't say that.

Presiding Inspector: Am I wrong? Well, I may be wrong.

The Witness: In fact, I have seen him less than a year ago, about a year ago.

Mr. Del Guercio: That was wit, if your Honor please.

Presiding Inspector: I have mistaken the person?

Mr. Del Guercio: No; that was wit on the part of the witness when he said that Mr. Holman died; that was his dry humor.

The Witness: I made no such statement.

Presiding Inspector: Well, I don't know whether it was humor or not. I may err in my recollection. I supposed that he died, but I don't see that it matters, in any event, one way or the other.

Mr. Gladstein: Well, your Honor—

(Testimony of Henry A. Schmidt.)

The Witness: (Interposing) Mr. Holman is very much alive.

Mr. Gladstein: (Continuing) —as the trier of the facts I think that you are entitled to know what the factual [4232] basis was.

Presiding Inspector: I don't care about that.

Mr. Gladstein: Of the complaints that the men were making.

Presiding Inspector: Yes, but if they didn't know at the time there was not any factual basis for their complaints.

Mr. Gladstein: But if they believed that he was, that was a factual basis, and if they subsequently found out that their belief was true, if they got a confession from a person who was the Secretary of Mr. Holman to the effect that Mr. Holman had been while—during the period that his union members suspected him of being an agent of the employers, that he had, in fact, been an agent of the employers, we are entitled to show that.

Presiding Inspector: No, you are not.

Mr. Gladstein: We are certainly entitled to show what the men believed.

Presiding Inspector: You may be entitled somewhere else, not here.

Mr. Gladstein: Aren't we entitled—

Presiding Inspector: (Interposing) I have ruled against it. You may show what their beliefs were.

Mr. Gladstein: That is what I said I wanted to show first.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Not the fact. We don't care anything about the fact. We are not trying Mr. Holman. You can [4233] show the basis of their opposition as it was in their minds, or as they expressed it.

Mr. Gladstein: I think I asked that question but instead of using the word "belief" I used the word "suspicion." And then, your Honor said you wanted to hear what the next question was.

Presiding Inspector: Yes, I did.

Mr. Gladstein: All right. Now, I will ask the witness. There is no use in going back in the record because it will simply consume time. I will rephrase that question.

Presiding Inspector: That is the best way.

By Mr. Gladstein:

A. And ask whether, Mr. Schmidt, it is or is not the fact that while Mr. Holman was President of ILA 38-79 there was belief among members of the Union that Mr. Holman was secretly in the pay of the shipowners and was not acting for the best interests of the longshoremen?

Mr. Del Guercio: Now, if your Honor please, you will note that counsel in this question is not going to this Equality or Albion Hall group but to the actual membership of the union.

Presiding Inspector: No, I think we are only interested with respect to this Albion Hall group.

Mr. Gladstein: I inadvertently omitted that.

Presiding Inspector: I supposed that is what you had in [4234] mind.

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: Yes.

By Mr. Gladstein:

Q. With that understanding, Mr. Schmidt, could you answer the question?

A. Yes, there was such suspicions in the minds of the Albion Hall group. In fact, there were suspicions in the minds of many—

Mr. Myron: (Interposing) That is all that was asked.

Mr. Gladstein: He has not finished his answer. I think he is entitled to finish his answer. Then, counsel can move to strike.

Mr. Myron: I move it be stricken out.

Mr. Gladstein: May I be permitted to finish my statement to the Court without constant interruptions from Mr. Myron?

Presiding Inspector: I don't know about that. You may finish your statement to the Court.

Mr. Gladstein: I think the witness should be permitted—

Presiding Inspector: (Interposing) I am going to let him finish.

Mr. Gladstein: When he says something that is not responsive or unnecessary or should be stricken counsel can move to strike; that is the ordinary manner.

Presiding Inspector: I think the witness may answer. Go ahead. [4235]

The Witness: I was going to add there was such suspicions in the minds of quite a large number of longshoremen because I heard them make

(Testimony of Henry A. Schmidt.)

statements to the effect that Holman couldn't be trusted, and many of them remembered him as having been a longshoreman back in 1918 and he was connected with the union then, and whatever he did then was not much good.

Mr. Del Guercio: I move to strike all of that.

Presiding Inspector: I will let it stand.

By Mr. Gladstein:

Q. When did you say Mr. Holman was removed as President of the union?

Mr. Del Guercio: If you Honor please, I don't know as there is any evidence in this record here that Mr. Holman was ever withdrawn as President of the—

Mr. Gladstein: (Interposing) I will withdraw the question.

Mr. Del Guercio: Just a minute. Will you permit me to address myself to the Court?

Presiding Inspector: Wait a minute. It isn't of any use. He has withdrawn the question.

Mr. Del Guercio: I may have had something else to say, if your Honor please.

Presiding Inspector: Well, — [4236]

Mr. Del Guercio: (Interposing) Now, he has been accusing us here, Mr. Myron and myself, of interrupting him while he is making his speeches and I would like to get up every once in a while and make a short speech myself.

Presiding Inspector: Well, we like to hear you, Mr. Del Guercio.

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: If I wanted to. Counsel won't permit me. Every time——

Presiding Inspector: (Interposing) Excuse me. I will recognize Mr. Gladstein's withdrawal of the question. Phrase the next question.

By Mr. Gladstein:

Q. Can you give us the approximate date when Mr. Holman was, for the last time, the President of ILA 38-79?

A. It was somewhere between the February 1934 convention and May the 9th, which is the day that the strike started.

Q. And do you know——

A. (Interposing) I recall that—because he was not elected as a delegate to that convention but he came there with a credential signed by himself and the convention wouldn't recognize it, of course.

Q. Do you know the circumstances under which his presidency terminated, that is to say, did he serve out his term or was there some other method, some other procedure by which his presidency terminated? [4237]

Mr. Del Guercio: Well, if your Honor please, I object to the question first on the ground that matter has already been covered, secondly on the ground that it is suggestive not to say the least, and the third, on the ground that it is immaterial. We are not trying Mr. Holman. We are not trying anybody else but Mr. Bridges. I don't see him here today.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: We are not even trying—oh, Mr. Bridges was excused.

Mr. Del Guercio: I see. I was going to turn around to him there.

Presiding Inspector: I will take the answer.

Mr. Del Guercio: Take—

Presiding Inspector: (Interposing) Although I don't think it very material.

Mr. Gladstein: Do you have the question in mind?

The Witness: No.

(The question referred to was read by the reporter as above recorded.)

A. Charges were preferred against him by some of the union members and he was brought to trial before a committee that was elected by the union, and they found him guilty in spite of the fact that he didn't show up. There was a provision in the constitution to the effect that if accused parties do not show up the trial should proceed nevertheless, [4238] and after that we didn't see him any more.

By Mr. Gladstein:

Q. Have you ever had occasion to see him since? A. Yes.

Q. When?

Mr. Del Guercio: Well, if your Honor please, I don't know that that is material.

Presiding Inspector: No, I don't suppose that is material. How can that have any effect here?

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: Well, your Honor, it is our theory——

Mr. Del Guercio: (Interposing) If your Honor please, to avoid another speech from counsel I will withdraw my objection.

Presiding Inspector: Very well.

Mr. Del Guercio: We are only having speeches in the record.

Presiding Inspector: Very well, you may answer.

A. I saw him during the 1936-'37 strike when he was organizing a rival union of strike breakers on Mission Street near Fourth or Sixth Street, and the last time I saw him was under circumstances, unusual circumstances, I would say. It was in the Veterans War Memorial Building on Christmas Eve a year ago when I went there with my daughter to participate in Christmas community singing and, believe it or not, Mr. Holman came there also and he sat right down in front of me on [4239] stairs because there were no more seats left.

Presiding Inspector: And you joined in the same songs?

The Witness: So did Mr. Holman.

Presiding Inspector: Yes, all right.

The Witness: And if I may add this: Every once in a while he writes a letter to our union.

By Mr. Gladstein:

Q. You mean when the spirit moves him? During 1936 and '37 you say that Mr. Holman was

(Testimony of Henry A. Schmidt.)

attempting to form a group of strike breakers. Did you have any personal contact with him?

Mr. Del Guercio: Well, if your Honor please——

Presiding Inspector: (Interposing) Isn't that remote?

Mr. Gladstein: No. Our theory is, your Honor——

Mr. Del Guercio: (Interposing) Well, if it is another speech, your Honor, I will again withdraw my objection and let it go in.

Presiding Inspector: I think it is remote.

Mr. Myron: If it is for the purpose of refreshing the witness' memory, why, we will let him answer.

Mr. Gladstein: Will you answer the question?

Mr. Myron: He has a very poor memory.

A. Yes, I had some very peculiar experiences with these seabs.

By Mr. Gladstein: [4240]

Q. Will you state what they were?

A. Well, I observed one meeting that they tried to hold on Fourth and Mission Street, which was very much advertised by Holman by distributing literature on the waterfront in the middle of the night. The meeting was to be held at Fourth and Howard Streets, I believe, and all bona fide long-shoremen, according to his literature, were invited to come. I think our Strike Committee went on record to go there and listen in. We stood out on the street because the place was packed. There

(Testimony of Henry A. Schmidt.)

was a loud speaker hanging out of the window and Mr. Holman was holding forth, telling all and sundry what a great guy he was and what a good fellow for the longshoremen he would be if only Schmidt and Bridges and Melnikow and some other people were wiped off the face of the earth, and there were lots of strikers there and quite a number of police because they thought there would be trouble between the strikers and the strike breakers.

Then, on another occasion he associated himself during that strike with a newspaper, a weekly newspaper that is published here on Market Street, which is known as the News Letter and Wasp. It advertised the fact that there was going to be a mass meeting there on a Saturday afternoon and that Mr. Holman would speak. The fact that he was going to hold a meeting there with his people was mentioned to this joint marine strike committee and someone made a motion in the joint marine strike committee that our joint marine strike committee [4241] proceed to that meeting and move right in and try to take it over, so at the appointed time we went up Market Street to participate in this meeting. The Vice-President of our union and I, we proceeded up the stairs to invite ourselves in, and the entire stairway was just chuek-a-block with strike breakers all wearing gloves and some of them had brass knucks. We knocked on the door, and the gentleman who runs the News Letter and Wasp recognized me, and I

(Testimony of Henry A. Schmidt.)

said, "How about getting in here?" He said, "Wait a while and I will take care of it." Meanwhile this Vice-President, who was quite an elderly man, and I, we stood there for a little while and we went downstairs again.

Mr. Del Guercio: If the Court please, I am going to interrupt right here and right now. We have been listening very patiently to this witness telling of his great exploits. Of course, we have no medals here to pin on him at this time.

Mr. Gladstein: I move the remarks of counsel be stricken.

Mr. Del Guercio: I think he should be cut off some time.

Presiding Inspector: I am afraid that is a speech, Mr. Del Guercio, and I think there was a speech on the other side too, only it was not quite as long.

Mr. Gladstein: You mean when I moved to strike his remarks?

Presiding Inspector: I thought you said something else.

Mr. Gladstein: I just said I moved to strike his remarks [4242] as improper.

Presiding Inspector: That isn't a speech. I don't think we will strike them. They will all go out anyway.

By Mr. Gladstein:

Q. Will you continue, please?

Presiding Inspector: Don't you think you have come far enough?

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: I don't know. He has not finished this occasion. I am waiting to hear what happened.

Presiding Inspector: Of course, I wouldn't have allowed it at all if Mr. Del Guercio had persisted in his objection.

Mr. Del Guercio: Your Honor, the reason I withdrew my objection was when I was examining this witness here he had a very vague recollection, couldn't recollect events and names and things of this kind, and I thought that, perhaps, when his own counsel questioned him that he would have the same kind of a blank recollection; I didn't anticipate that all of a sudden his memory would come back to him, and it was only for that reason that I withdrew my objection.

Presiding Inspector: Don't you think we better have a further demonstration along that line?

Mr. Myron: Yes, yes.

Mr. Gladstein: If your Honor please, I move that Mr. Del Guercio's remarks be stricken as improper.

Presiding Inspector: I don't think they are proper, [4243] but we are not very particular about these remarks.

Mr. Gladstein: Of course, we are not, but if each time he makes improper remarks and I move they be stricken and your Honor says they are improper but they won't be stricken, there is no inducement for Mr. Del Guercio to remain seated and not indulge in making improper remarks.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: Oh, we shouldn't have speeches on either side. Now, you may go on.

By Mr. Gladstein:

Q. Will you continue, please?

Presiding Inspector: Although I think it is immaterial, but I may take a different view. Go ahead.

A. (Continuing) The upshot of it was that the Vice-President of our Local proceeded down to the sidewalk, and there were many strikers gathered there, and we persuaded the man who had come in the loud-speaking truck to go away, and directly Mr. Holman spoke from the window sill. He had no loud-speaker so he used a megaphone.

Then the whole thing wound up in a humorous affair because when somebody started to heave some eggs at Mr. Holman's megaphone they hit him right square in the teeth; whereupon he proceeded to close the window, and then we went on back to the waterfront.

By Mr. Gladstein: [4244]

Q. Was your home ever attacked by any of Mr. Holman's men?

A. Well, I didn't know who it was, and I don't know who did it, today.

Q. Was this during the strike?

Mr. Myron: This is all immaterial, your Honor.

Presiding Inspector: I think it is immaterial; very immaterial.

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. There was mention made of the Defense Committee of the ILA. What do the words "Defense Committee" refer to, what kind of defense?

A. Well, the Committee was charged with the duties of furnishing bail for strikers that might be arrested that belonged to our union. They called on these fellows if and when they were locked up and reported back to the Strike Committee and asked for more money if they required it, and so on and so forth.

Q. Was this for anything besides legal defense?

A. That is all. We had an attorney; may have had two attorneys, but I don't recall.

Q. Now, yesterday I asked you some questions concerning alleged meetings testified to by Mr. Nat Honig. If I were to repeat all of the questions I asked you that referred to Mr. Honig, or Mr. Honig's statements, and substituted the name [4245] "Nat Davis" for "Nat Honig," would your answers have been any different?

Mr. Myron: Just a moment. That is the strangest question I have ever heard in a court room.

Mr. Gladstein: It is for the purpose of saving time. Mr. Honig, as I recall it, also testified that he was known by the name of Nat Davis. I can proceed and ask Mr. Schmidt all the questions that I asked yesterday.

Mr. Del Guercio: If the purpose of it is the saving of time we will withdraw the objection.

(Testimony of Henry A. Schmidt.)

Mr. Gladstein: It is quite obvious it is for that purpose.

A. No; I don't know anybody by that name; except that I recall the name of Davis in connection with the trial hearing in 1939, and the Davis that was mentioned there, and identified there, was a sailor.

By Mr. Gladstein:

Q. Would your answers to my questions, if the name "Nat Davis" were substituted for the name "Nat Honig," be the same as they were—

Mr. Myron: (Interposing) I object to that.

Mr. Gladstein: I haven't finished.

Presiding Inspector: Go ahead and finish your question.

By Mr. Gladstein:

Q. If the name "Nat Davis" were substituted for the name "Nat Honig" would the questions concerning Mr. Honig, as [4246] I put them to you yesterday, be answered the same as they were yesterday?

Mr. Myron: We object to that, if your Honor please.

Mr. Gladstein: On what ground?

Presiding Inspector: Isn't the question this: That the reference was, when he spoke of Nat Honig, was to the man whom he saw on the witness stand?

Mr. Gladstein: Yes; under either the name of Nat Honig or Nat Davis.

(Testimony of Henry A. Schmidt.)

Presiding Inspector: That is the question?

Mr. Gladstein: That is the question.

Presiding Inspector: You may answer.

A. My answers will be the same.

Presiding Inspector: He is referring to the man; not the name.

The Witness: Yes.

By Mr. Gladstein:

Q. You were asked about the 1937 convention of the ILA to which you were a delegate. How were delegates to that convention chosen?

Mr. Del Guercio: Well, if your Honor please, reference was made to the 1937 convention, but not to the convention itself, and only for the purpose of placing the witness there at that place. Now, I didn't ask any questions there on cross examination as to the convention itself. I think that that is [4247] improper redirect examination.

Mr. Gladstein: Your Honor, the witness was asked whether he didn't go up by train, or by car, and with which delegates he went. I think I am entitled to bring out how delegates were selected to go to that convention. I am not going into the convention itself.

Presiding Inspector: I don't know as it is material.

Mr. Gladstein: It is material to show how these men who have been named, how Mr. Schmidt came to be going there, or meeting with them, who they were, and how they were selected. The record

(Testimony of Henry A. Schmidt.)

does not show where these men came from, or who they were, or what they represented:

Presiding Inspector: I thought it was in the question that he was a delegate representing somebody that delegates him; at least that would be implied.

Mr. Del Guercio: I didn't question on how they were chosen, or that he was not a delegate.

Presiding Inspector: What difference does it make whether it was the Executive Committee, or the body, or the President? I don't see the materiality, but if you wish it you may have it. I see no materiality in it.

Mr. Gladstein: I would like to have the question answered.

Presiding Inspector: How were the delegates from the respective organizations chosen, if you know?

The Witness: Our local elected its delegates by the usual [4248] referendum vote. I don't recall whether we used the machines at that time, or the paper ballot.

By Mr. Gladstein:

Q. And who voted on the question of which delegates were to go?

Mr. Del Guercio: Is this necessary?

Presiding Inspector: In his union—I will allow the statement if he knows who voted.

You mean who had a right to vote?

Mr. Gladstein: Yes.

A. The members of the local union only.

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. How were delegates to the San Francisco Central Labor Council chosen in 1934, 1935 or 1936, or at any time thereafter?

Mr. Del Guercio: I object to that as not being proper redirect.

Presiding Inspector: I will take it.

Mr. Del Guercio: It is going into new matters.

Presiding Inspector: I will take it.

A. In the same manner, except that I recollect that one of the first times that we elected delegates to the Central Labor Council we did it by nomination from the floor, and by a showing and counting of hands. We didn't do that very often. For years now we have been using the secret [4249] ballot.

By Mr. Gladstein:

Q. How were delegates selected to the convention of the Maritime Federation of the Pacific in Portland in 1937?

A. In the same manner; by referendum ballot.

Q. You were questioned concerning a meeting at the New Lennox Hotel during a period when the Maritime Federation of the Pacific was having a convention. Can you fix the date of that?

A. The day of the week?

Q. No, the approximate date?

A. It would be in the month of June in that year.

Q. Which year?

(Testimony of Henry A. Schmidt.)

A. 1937, we are talking about, isn't it?

Q. Do you recall what was discussed at that meeting?

A. The question of affiliating with the CIO, which was the big bone of contention on the convention floor.

Q. Was Communism discussed at that meeting?

A. No.

Q. Was the Communist Party policy or strategy, or tactics discussed at that meeting?

A. Not at all.

Q. You were asked whether Mr. Bridges was there. I think you said he was.

A. I think he was. [4250]

Q. And you were present? A. Yes.

Q. And Mr. Curran? A. Joe Curran?

Q. Yes. A. I doubt whether he was there.

Mr. Gladstein: Did you have the list of the other names?

Mr. Myron: They are in the record, I guess.

The Witness: I don't recall him being at that convention. I know a couple of his colleagues were.

By Mr. Gladstein:

Q. You were asked whether all of the people present at that meeting—withdraw that. I will ask you this: Were the people who were present at that meeting members of the Communist Party to your knowledge? A. No.

Q. Do you know whether any of them were definitely not members of the Communist Party?

(Testimony of Henry A. Schmidt.)

A. To the best of my knowledge they were all good trade unionists.

Q. What about yourself?

A. That goes for me too.

Q. What about Mr. Bridges?

A. That goes for him too.

Q. Can you recall whether there would be any occasion for [4251] Mr. Harry Jackson to have been present at any such meeting?

A. I can't understand why he should be there. He was not a longshoreman, or a maritime worker, so why should he be there?

Q. Can you state whether at this caucus meeting every person present represented some union that was part of the Maritime Federation of the Pacific, or was a fraternal delegate to that convention?

Mr. Myron: That is a leading question, your Honor. Apparently he had no recollection today of who was there.

Mr. Del Guercio: And it is in the alternative.

Mr. Myron: He is asking if they represented unions and he hasn't got the names of the persons.

Mr. Gladstein: They were all mentioned this morning.

Presiding Inspector: Have you in mind who—

The Witness: (Interposing) I couldn't mention the names of all the individuals that were there.

By Mr. Gladstein:

Q. Can you recall any person who was at such a caucus meeting who would not be from a trade

(Testimony of Henry A. Schmidt:)

union which was either part of the Maritime Federation or which had sent a delegate to the convention?

Mr. Myron: That is a hypothetical question.

Presiding Inspector: Yes; that is a hypothetical question.

Mr. Gladstein: I am asking for his recollection, if there [4252] was any person there who was not a member of a trade union.

Presiding Inspector: You didn't ask it that way. You said "Who would not be."

Mr. Gladstein: Who, what?

Presiding Inspector: "Who would not be a member," was the way the question was put.

Mr. Gladstein: I should have said, "Who was not."

Presiding Inspector: You mean to his knowledge, was not?

Mr. Gladstein: Yes.

By Mr. Gladstein:

Q. Can you recall any person being there who was not from a union that was participating in the convention of the Maritime Federation, either as a member of that Federation, or as a fraternal delegate to it?

Mr. Myron: I object.

Presiding Inspector: I think I will take the answer, but I don't think it is very persuasive for the purpose for which it is asked. I don't think it goes quite as far as you want it to, but I will take the answer.

(Testimony of Henry A. Schmidt.)

A. They must have been delegates—

Presiding Inspector: The question is, can you recall anyone there who wasn't a delegate?

The Witness: No.

By Mr. Gladstein:

Q. Would you say that people who were at that caucus meeting were all delegates to the convention? [4253]

A. Well, if some of the MWIU fellows were there they were not delegates in the true sense of the word; they were fraternal delegates from the NAIU, which is not affiliated with the Maritime Federation, only on a fraternal basis.

Q. What about the balance of the people?

A. They were Pacific Coast people who represented some union or other that was connected with the Maritime Federation.

Q. Would they all be delegates to the Convention?

Mr. Myron: "Would" they?

By Mr. Gladstein:

Q. Were they all—

A. (Interposing) Well, it is possible that there may have been an officer or a member of a local union in Portland who didn't happen to be a delegate who might have been there. I don't recollect that.

Q. Were any of them not trade unionists?

A. They were all trade unionists; certainly.

Q. Were they all trade unionists connected

(Testimony of Henry A. Schmidt.)

either with unions that were part of the Maritime Federation of the Pacific, or a union which was sending a fraternal delegate to the convention?

Mr. Del Guercio: I will object to that.

Presiding Inspector: Isn't all this argumentative?

Mr. Gladstein: I don't think so.

Presiding Inspector: I will take it. This may well be, [4254] and still it might be a Fraction meeting.

Mr. Gladstein: I am coming to that.

A. That would be a correct statement.

By Mr. Gladstein:

Q. Could this meeting in any sense be a Communist Fraction meeting?

Mr. Myron: I object to that, your Honor.

Presiding Inspector: I will take his testimony.

A. No; it was a trade union meeting. The subject under discussion was the advisability of affiliating with the CIO.

Presiding Inspector: Except as to yourself and Mr. Bridges, you didn't pay any attention to whether the rest of them were Communists or not?

The Witness: I recall such—

Presiding Inspector: Isn't that what you have said heretofore?

The Witness: Yes.

Presiding Inspector: You didn't pay any attention to whether a person was a Communist or not?

The Witness: No.

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. Now, you were asked as to whether or not you had ever been in opposition to Mr. O'Connell, to Mr. McLaughlin, to Mr. Vandeleur, and Mr. Lundeborg. Have you ever been opposed to Mr. McLaughlin, either personally or because of matters on [4255] which your judgment differed from his?

Mr. Del Guercio: If your Honor please——

Presiding Inspector: Who is the person mentioned?

Mr. Gladstein: Mr. McLaughlin. This was brought out on cross examination.

Mr. Del Guercio: Only the name; not the question of what the opposition was.

Presiding Inspector: I will take it. You may answer.

A. Yes. Mr. McLaughlin was, and I think still is today, Secretary of the Teamsters Union. Local 85, I believe is the number. He did some things that I certainly didn't agree with, which were done for the very purpose of splitting our own union wide open and stopping its affiliation with the CIO. By that I mean that he and others of the Teamsters Union were responsible for a blockade of the waterfront in 1937, which nearly shut the waterfront down for about 30 days.

By Mr. Gladstein:

Q. When you use the word "Blockade," what do you mean?

(Testimony of Henry A. Schmidt.)

A. Well, our own union had voted to affiliate with the CIO and the Teamsters saw fit to blockade the waterfront. By that I mean that they gave orders to their members to stop hauling to and from the docks; thereby allowing the cargo to accumulate and eventually blockading it.

They also placed a so-called picket line down there, to which we paid no attention. [4256]

Q. How big was that picket line?

A. Oh, sometimes they would take a couple of thousand men and place them in front of the dock.

Q. You were opposed to Mr. McLaughlin on that, of course? A. Certainly.

Q. Well, now, has your opposition, your expressed opposition to Mr. McLaughlin been at any time because of Mr. McLaughlin's position, whatever it may be, on the subject of Communists, or Communism? A. No.

Q. What has the basis of your opposition or disagreement with Mr. McLaughlin been aside from the incident that you have already mentioned?

Mr. Del Guercio: If your Honor please, I thought his first question was in that connection. Now he is asking for more along that line.

Mr. Gladstein: There may be more. I think we are entitled to it.

You will recall that in this same connection—

Mr. Del Guercio: (Interposing) We will withdraw our objection, if your Honor please.

Presiding Inspector: Go ahead, and answer the question.

(Testimony of Henry A. Schmidt.)

A. Another incident that stands out in my mind is that Mr. McLaughlin and his colleagues gave orders that none of the [4257] unemployed teamsters might accept work from the longshore hiring hall, which used to be the custom. Whenever we had work, more work than we could handle, we would call the Teamsters Union, among other unions, and ask them to send us their unemployed men. I know that Mr. McLaughlin, and some of his colleagues, were opposed to that because they believed that it would get their membership interested in such a hiring hall as we have, and they might make demands to establish a similar one. That is another reason why I was opposed to Mr. McLaughlin.

By Mr. Gladstein:

Q. Would it be correct to say that your opposition to Mr. McLaughlin has at all times been on the basis of trade union differences between the two of you?

Mr. Del Guercio: If your Honor please, I object to that as not being a question, but an answer.

Presiding Inspector: I think it was leading.

Mr. Gladstein: I realize, but it was in the interest of time. I could ask the witness to enumerate the various times, but I don't like to do that.

Mr. Myron: He has.

Presiding Inspector: Both of you are objecting.

What central body was Mr. McLaughlin's union associated with, the A. F. of L. union?

The Witness: Yes. [4258]

(Testimony of Henry A. Schmidt.)

Presiding Inspector: And that was the basis of the opposition—one was the CIO and the other the A. F. of L.?

The Witness: Well, at that particular time that I have in mind our union was still in the A. F. of L., and was just in the process of making the change.

Presiding Inspector: So there was evidence of restricting you from making a change?

The Witness: That is right.

By Mr. Gladstein:

Q. Have you ever been in expressed open opposition to Mr. Vandeleur or his policies?

A. Certainly.

Q. Has that opposition ever been because of Mr. Vandeleur's position, whatever it may have been, on the subject of Communists or Communism?

A. None that I can recall. Just his policies with regard to the job that he holds, and some of the matters that he advocates forces me to oppose this man.

Q. What has been the basis, or what has been the bases of your expressed opposition to Mr. Vandeleur whenever that opposition occurred?

A. Well, he, like Mr. McLaughlin, was of the same opinion in 1937 when the waterfront was blockaded and he collaborated with Mr. McLaughlin in order to make life miserable for us in our organization. In fact, it was a regularly organized move, [4259] organized by the A. F. of L. top leadership, such as Vandeleur, O'Connell, Joe Casey.

(Testimony of Henry A. Schmidt.)

and McLaughlin, to force our membership to go back into the A. F. of L. by depriving them of employment by placing a phony picket line down there.

Q. Was there ever any dispute—

Presiding Inspector: How is this competent? What difference does it make as to the difficulty between these two trade unions, as to whether one was justified or not, or as to what animosity arose out of it? How does it affect this witness or this case?

Mr. Gladstein: It was first brought out on cross examination. Mr. Schmidt was asked whether he had ever been opposed to Mr. O'Connell. He said he had been in opposition to him. Then he was asked, "Wasn't the reason you attacked, belabored Mr. O'Connell, the fact that Mr. O'Connell was fighting communists?" And he said, "No, that wasn't the reason."

I am entitled to go into the true reason.

Presiding Inspector: Haven't you a full and complete answer so far?

Mr. Gladstein: Aren't we permitted to show the true reason for the opposition?

Presiding Inspector: I don't see what difference it makes.

Mr. Del Guercio: There is no evidence as to what the truth is because the witness has said "No" in answer to my question. [4260]

Presiding Inspector: You have been allowed to do this, but it seems—go ahead.

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: Of course, counsel is trying to save time.

Presiding Inspector: I am afraid that that comes within counsel's definition of a "speech."

Mr. Del Guercio: I will withdraw the remark.

Presiding Inspector: Go ahead, Mr. Gladstein.

Mr. Gladstein: Yes, your Honor.

By Mr. Gladstein:

Q. Now, the joint negotiating committee meetings in 1936, during or immediately before the 1936-1937 strike, at about that period, Mr. Schmidt, how many meetings, trade union meetings of one kind or another were you attending?

A. The joint negotiating committee, I am sure, was organized prior to the starting of the strike. I don't know how long before. It met right along.

Besides that, there was the negotiating committee of the longshoremen's union, which was, which I attended.

We would trot from one meeting to another.

We had an Executive Board meeting of the local union, and there was a constant stream of meetings, especially, during the strike. It was a case of running from one to another—first the strike committee meeting of the local union, then the meeting of the joint negotiating committee, [4261] or the marine strike committee; and it was necessary to consult with the publicity committee—just going around in a vicious circle all the time.

Q. How many members, or trade unionists at-

(Testimony of Henry A. Schmidt.)

tended the meetings of the negotiating committee, those that you attended?

A. The joint committee?

Q. Yes.

A. The committee was rather a large body because it was representative of all the maritime unions on the Pacific Coast. I would say that there were at least 35 or 40 people there. Besides that, the members of the maritime unions would drift in and sit in the meeting hall. And inasmuch as the meetings were being held in the meeting hall of the Masters, Mates and Pilots Association their members, who might happen to be there, would also sit in as spectators, but they wouldn't participate in the business before the house.

Q. Would it be possible to sit through a meeting of the negotiating committee—withdraw that. What would you say the average number would be of the men who attended the negotiating committee meetings?

Mr. Myron: Does he mean what was the average number that attended?

Presiding Inspector: You said "What would be." I suppose you mean on an average? [4262]

Mr. Gladstein: Yes. It should be "what was."

A. Well, I would say that if there were ever less than 25 it would be very seldom.

By Mr. Gladstein:

Q. What was it generally?

A. I think 35 to 40.

(Testimony of Henry A. Schmidt.)

Q. Were you ever introduced to Mr. Cannalonga? A. No.

Q. Were you ever impressed at any time with his presence at any of those meetings?

A. I have no memory of him at all. As I stated this morning, I studied that photograph in the paper and it makes no impression on my mind whatsoever.

Q. Mr. Schmidt, have you ever been in any meeting of a small group, say half a dozen people, at which Mr. Cannalonga ever attended?

A. No.

Q. When you first met Mr. Louis Goldblatt was he a member of a trade union?

A. Yes; he was a member of the Warehousemen's Union.

Q. Do you know whether he has held any office in that union?

A. Yes. He has been Vice-President.

Q. Do you know whether he has held any other office in the labor movement? [4263]

A. Yes; at the present time he is the Secretary-Treasurer of the State CIO Council.

Q. How long has he held that position, do you know?

A. This is either his second or third term. The term is a year.

Q. You were asked about whether you had made speeches here, there or elsewhere. Can you give an estimate of the number of speeches, Mr. Schmidt,

(Testimony of Henry A. Schmidt.)

that you have made since you became a leader in the local labor movement?

Mr. Del Guercio: If your Honor please, I object to the words "leader in the labor movement." No evidence has been shown here that this man has ever been a leader in the labor movement.

Mr. Gladstein: I will withdraw that expression.

Presiding Inspector: Prominent in the labor movement.

Mr. Del Guercio: I won't admit that, your Honor.

Presiding Inspector: According to his estimate—

Mr. Gladstein: I will withdraw the question.

By Mr. Gladstein:

Q. I simply want to know, say, since 1934—

Mr. Myron: (Interposing) What is the question?

Presiding Inspector: He is putting it now.

By Mr. Gladstein:

Q. Mr. Schmidt, since 1934 can you give us an estimate since that date of the number of speeches that you have made?

A. I couldn't begin to do that. [4264]

Q. Well, can you estimate whether it would run into the hundreds or thousands?

A. I don't think it has run into the thousands.

Q. What?

A. I don't think it has run into the thousands.

Q. Is it pretty close?

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: That is obviously improper. Why not say "millions" also?

By Mr. Gladstein:

Q. What is your best judgment?

A. Hundreds would be closer.

Presiding Inspector: Do you include speaking on the floor of his union?

Mr. Gladstein: I guess my question was rather general and it would include that.

Presiding Inspector: Yes.

By Mr. Gladstein:

Q. Let me put it this way: Mr. Schmidt, can you give an estimate of the number of public speeches, or addresses or talks that you have given, outside of the regular meetings of your union membership?

A. There wouldn't be too many; perhaps 50 perhaps 75, perhaps 95—I don't know. It might be a little over a hundred; I don't know.

Q. How many trade union meetings, caucuses, and various other kinds of trade union conclaves have you attended since [4265] 1934?

A. Trade union meetings, conclaves, caucuses, Executive Board meetings, anything like that?

Q. Yes.

A. That would be impossible to say. I would say an average of one each day.

Q. You were asked about a trip to Mexico where you attended a Congress. Did you attend one or more than one Congress while you were there?

(Testimony of Henry A. Schmidt.)

A. A part of one and all of another.

Q. Well, which two were involved?

A. There was, the first one was the Latin-American Labor Congress; and then the second one was the World Congress Against War and Fascism.

Q. To which Congress did you go first?

A. I went to the Latin-American Labor Congress first. [4266]

Q. Where was it held?

A. In Mexico City in the Palace of Fine Arts.

Q. Were you a delegate to that convention or Congress? A. Yes, sir.

Q. And in general what was—

A. (Interposing) That is, a fraternal delegate.

Q. In general, what was the purpose of that Congress?

Mr. Del Guercio: Which Congress?

Mr. Gladstein: The one he is now discussing.

Mr. Del Guercio: I missed that. Would you mind telling me or shall I go to the record?

Mr. Gladstein: No, the Labor Congress.

By Mr. Gladstein:

Q. Did they call that the Latin-American Labor Congress? A. That is what they called it.

Q. What, in general, was the purpose of that Congress?

A. To unite the several labor movements in Latin America that existed in the several republics.

Q. Do you know whether the CIO Council re-

(Testimony of Henry A. Schmidt.)

ceived any invitation for delegates to be sent prior to your becoming a delegate?

A. No, I don't know that. Shall I describe how it came about? [4267]

Q. I wish you would. A. Well,—

Mr. Del Guercio: (Interposing) If your Honor please, I will object to that.

Presiding Inspector: I will take it.

Mr. Del Guercio: The witness has said he doesn't know.

Presiding Inspector: I beg your pardon?

Mr. Del Guercio: He said he doesn't know.

Presiding Inspector: No, he is going to tell what he does know, as I understand it.

Mr. Del Guercio: Would you mind reading his answer, please?

(The answer referred to was read by the reporter as follows:

"Q. Do you know whether the CIO Council received any invitation for delegates to be sent prior to your becoming a delegate?

"A. No, I don't know that. Shall I describe how it came about?"

Mr. Del Guercio: There, your Honor. He said he doesn't know. How can he describe something he doesn't know?

Presiding Inspector: He doesn't know whether they received any invitation, but he is going to tell how it did come about. They may or may not have received an invitation. [4268]

(Testimony of Henry A. Schmidt.)

The Witness: Well, I understood Mr. Gladstein's question to mean did they receive an invitation by communication or mail. About that I know nothing, but I do know that fraternal delegates from the C.T.M. which is the Mexican Labor Movement, came to the State Council Convention in Los Angeles that year, and, among other things, they urged that this State CIO Council send a fraternal delegate or delegates to the Latin-American Labor Congress, and that convention accepted that invitation and went on record to send such a delegate, and several people were nominated; and I was elected.

By Mr. Gladstein:

Q. All right. Now, at the Labor Congress itself whom did you represent?

A. I represented the State CIO.

Q. Were there other representatives of, or from the American Labor Movement or any part of it?

Mr. Del Guercio: Well, if your Honor please, it is unnecessary to go into all this, in the interest of time.

Presiding Inspector: Well, I didn't think it was very material, but it was introduced by Mr. Del Guercio, so I think I will allow you to go into it.

By Mr. Gladstein:

Q. Your answer, please?

A. Yes, Mr. John L. Lewis was there.

Q. Any others that you recall?

A. Americans? [4269]

Q. Yes. A. No.

(Testimony of Henry A. Schmidt.)

Q. Now, where was the World Congress Against War and Fascism held?

A. In the same place.

Q. In the same building?

A. Yes, I am pretty sure it was in the same building.

Q. When did it take place with respect to the American Labor Congress?

A. Well, the American—the Latin-American-Labor Congress was adjourned on a Saturday afternoon, I believe, and the other one took place the following Monday. The Sunday in between there was a large mass meeting in the bull ring in Mexico City where all these different delegates addressed the workers who came there.

Q. Were you invited to attend the World Congress that began on a Monday?

A. Yes.

Q. By whom?

A. I think it was Alexander Carillo.

The Reporter: Spell it, please.

The Witness: C-a-r-i-l-l-o.

By Mr. Gladstein:

Q. And who was he, what position, if any, did he hold?

A. I think he was Secretary-Treasurer of the C.T.M. [4270]

Q. Did the President of the Republic of Mexico address the World Congress or the Latin-American Labor Congress?

Mr. Del Guercio: Now, if your Honor please, it is a leading question in the first place and it is

(Testimony of Henry A. Schmidt.)

bringing in a person who was not mentioned in the cross examination.

Mr. Gladstein: I can ask him who the speakers were and he can list them. I simply want to show the general nature of both these meetings about which an inference—

Presiding Inspector: (Interposing) What good would that do?

Mr. Gladstein: (Continuing) —about which an inference was attempted to be made by Mr. Del Guercio in his questions.

Mr. Del Guercio: The only inference I made, if your Honor please—we are prepared to support it—that the American League Against War and Fascism is a Communist organization.

Presiding Inspector: I will take the answer. I don't think you should go into the policies of the Cardenas government, though.

Mr. Gladstein: No; I don't intend to.

By Mr. Gladstein:

Q. Did you hear the question, Mr. Schmidt?

A. You asked me if President Cardenas had spoken?

Q. Yes.

A. I didn't hear him address the Latin-American Labor Congress because I got there a little bit late, but the other [4271] congress he did address, that is right.

Q. The World Congress?

A. That is right.

Q. Have you ever been notified that the World

(Testimony of Henry A. Schmidt.)

Congress designated you, or elected you to some honorary position?

A. No; it is still news to me.

Q. In what language was the business of the Congress carried on?

A. In French and Spanish.

Q. Do you speak or understand either?

A. No, sir.

Q. Can you recall any other American representatives either from the labor movement or — from the American Labor Movement who were present at the World Congress?

A. There were several Americans there, and we got acquainted. Whether they mentioned their names I don't recall. The only name I can recall is Mr. Smith who was connected with the National Labor Relations Board.

Q. Mr. Edwin S. Smith?

A. I think those were his initials.

Q. You identify him as a member of the National Labor Relations Board of the United States?

A. Yes, he introduced himself as such. Oh and John L. Lewis was there, too.

Presiding Inspector: Yes, you have already said that.

The Witness: As regards the first Congress and also [4272] the second.

Mr. Gladstein: May we have a recess? Oh, I see, it is almost time to adjourn. I was going to look at my notes to see if I had further questions.

Mr. Del Guercio: Do you have another witness?

Mr. Gladstein: No, not for today.

(Testimony of Henry A. Schmidt.)

By Mr. Gladstein:

Q. Mr. Schmidt, when a strike takes place or is about to take place do the strike committees of the unions send telegrams to various people?

Mr. Del Guercio: Well, if your Honor please, I object to the question as being too general.

Mr. Gladstein: It is a matter of practice.

Mr. Del Guercio: We are not interested in the practice necessarily.

Mr. Gladstein: You see, Mr. Schmidt was asked about a particular telegram. I wish to show that the practice here has been, during a couple of strikes, for so many telegrams to be sent that it literally goes into hundreds and thousands during a strike, so that I want your Honor to know what the background is against which Mr. Del Guercio says "Do you remember this particular telegram", so that your Honor will have an understanding of what the situation is.

Presiding Inspector: Didn't he say that he read some such telegram?

Mr. Gladstein: He gave an answer that it probably was [4273] sent.

Presiding Inspector: Yes.

Mr. Gladstein: Yes, but—

Mr. Del Guercio: (Interposing) He said that he read the telegram, if your Honor please; he recalled it.

Presiding Inspector: I thought he said that he thought there was some such telegram.

Mr. Gladstein: I think we are entitled—

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: (Interposing) Now, counsel—excuse me.

Presiding Inspector: I will take it. I don't think it is very material.

By Mr. Gladstein:

Q. What is the practice, Mr. Schmidt, or what has it been during 1934 and during the 1936-'37 strike with respect to the sending of telegrams?

A. Well, when a union is about to go into a strike, or a number of unions are to go into a strike jointly, it is just a case of being forced to send communications hither and yon to all kinds of people.

Q. Well, give examples of people to whom telegrams have been sent. A. Well—

Mr. Del Guercio: (Interposing) Your Honor, I object to giving examples. That is carrying it a little too far even under your liberal ruling. [4274]

Presiding Inspector: Yes, I think it should be the custom, if there is a custom.

Mr. Gladstein: All right, I will withdraw that.

By Mr. Gladstein:

Q. Can you say whether it is a practice or a custom during a strike for a union to send numerous telegrams to official Governmental agencies, newspapers and other unions on subject matters connected with the strike or the projected strike?

A. It certainly is.

Mr. Gladstein: I believe that is all, your Honor.

Presiding Inspector: Anything further this afternoon?

(Testimony of Henry A. Schmidt.)

Mr. Del Guercio: Not this afternoon, your Honor.

Presiding Inspector: (Addressing witness) You have to be here on Monday.

The Witness: Yes, your Honor.

Presiding Inspector: Ten o'clock. We will take a recess.

Mr. Gladstein: Do you want the witness again on Monday?

Mr. Del Guercio: Yes, if you please.

Presiding Inspector: I told the witness to be here Monday.

Monday morning at ten o'clock.

(Whereupon at 3:55 P. M. an adjournment was taken until Monday, May 19, 1941, at 10:00 A. M.) [4275]